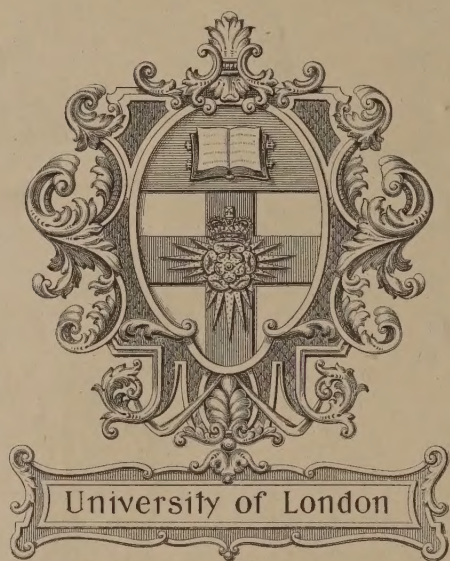
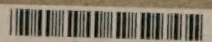






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ACCOUNTS AND PAPERS:

THIRTY-NINE VOLUMES.

—(38.)—

STATE PAPERS.

AMERICA (U.S.)—PRUSSIA.

Session

1 *February* — 10 *August* 1866.

VOL. LXXVI.

1866.

ACCOUNTS AND PAPERS:

1866.

THIRTY-NINE VOLUMES:—CONTENTS OF THE THIRTY-EIGHTH VOLUME.

N. B.—*THE* Figures at the beginning of the line, correspond with the N° at the foot of each Paper; and the Figures at the end of the line, refer to the MS. Paging of the Volumes arranged for *The House of Commons*.

America (United States):

- [3688.] Correspondence respecting the Termination of the Reciprocity Treaty of the 5th June 1854, between the United States and *Great Britain* - - - p. 1

Austria :

- [3588.] Treaty of Commerce between Her Majesty and the Emperor of *Austria*, with the final Protocol - - - - - 21

Brazil and Rio de la Plata :

- [3585.] Papers respecting the renewal of Diplomatic Relations with *Brazil* - - 31
- [3630.] Correspondence respecting Hostilities in the River *Plate* (in continuation of Papers presented 30th June 1865) - - - - - 65

Chile and Spain :

- [3663.] Correspondence respecting the War between *Chile* and *Spain* - - - 95

Foreign States (Commerce, Navigation, and Reciprocity Treaties with):

- [3693.] Return of Treaties now in Force between *Great Britain* and Foreign States, relative to Commerce, Navigation, Reciprocity, &c. - - - - - 335

France (Paris Conference):

- [3684.] Correspondence respecting the proposed Assembly of a Conference at *Paris* (1866) - - - - - 341

France (Extradition Treaty):

- [3725.] Correspondence respecting the Extradition Treaty with *France* - - - 371

Italy (Ecclesiastical Corporations):

- [3741.] Correspondence respecting the Suppression of Ecclesiastical Corporations in *Italy* - - - - - 411

Japan :

- [3615.] Correspondence respecting Affairs in *Japan*, 1865-66 - - - 427

Persia :

- ✓ [3687.] Convention between Her Majesty and the Shah of *Persia*, relative to Telegraphic Communication between Europe and *India* - - - - - 521

Portugal (Douro Wine Trade):

- ✓ [3584.] Correspondence with Her Majesty's Minister at *Lisbon* respecting the opening of the *Douro* Wine Trade - - - - - 529

Prussia (Treaty of Navigation):

- ✓ [3614.] Treaty of Navigation between Her Majesty and the King of *Prussia*; signed at *Gastein*, 16th August 1865 - - - - - 541

THIRTY-EIGHTH VOLUME

CORRESPONDENCE

RESPECTING THE

TERMINATION OF THE RECIPROCITY TREATY

OF

JUNE 5, 1854,

BETWEEN THE

UNITED STATES AND GREAT BRITAIN.

Presented to both Houses of Parliament by Command of Her Majesty.
1866.

LONDON,
PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.	Page
1. Mr. Adams to Earl Russell One Inclosure.	March 17, 1865 1
2. Earl Russell to Mr. Adams	March 17, — 2
3. Earl Russell to Sir F. Bruce	March 24, — 2
4. Mr. Burnley to Earl Russell	March 9, — 4
5. Sir F. Bruce to Earl Russell	June 7, — 4
6. Earl Russell to Sir F. Bruce	July 8, — 4
7. Sir F. Bruce to Earl Russell One Inclosure.	September 23, — 5
8. Sir F. Bruce to Earl Russell One Inclosure.	November 6, — 6
9. Sir F. Bruce to the Earl of Clarendon	December 4, — 7
10. The Earl of Clarendon to Sir F. Bruce	January 13, 1866 7
11. Sir F. Bruce to the Earl of Clarendon Four Inclosures.	February 11, — 7
12. Mr. Elliot to Mr. Hammond Two Inclosures.	March 6, — 11
13. Sir F. Bruce to the Earl of Clarendon Two Inclosures.	February 22, — 12
14. The Earl of Clarendon to Sir F. Bruce	March 12, — 13
15. The Earl of Clarendon to Sir F. Bruce	March 17, — 13
16. Sir F. Bruce to the Earl of Clarendon	March 9, — 16
17. Sir F. Bruce to the Earl of Clarendon	March 14, — 17

Correspondence respecting the Termination of the Reciprocity Treaty of June 5, 1854, between the United States and Great Britain.

No. 1.

Mr. Adams to Earl Russell.—(Received March 17.)

My Lord, *Legation of the United States, London, March 17, 1865.*
 UNDER instructions from the Government of the United States, I have the honour to transmit to your Lordship a certified copy of a joint Resolution of the Congress of the United States, approved by the President on the 18th of January, 1865, in regard to the termination of the Treaty concluded between the United States and Her Britannic Majesty on the 5th of June, 1854, commonly known as the Reciprocity Treaty.

I have the honour further to inform you that I am directed to notify Her Majesty's Government that, as it is consistent no longer for the interests of the United States to continue this Treaty in force, it will terminate and be of no further effect, as provided by the terms of the instrument, at the expiration of twelve months from the date of the reception by your Lordship of this notice.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

Inclosure in No. 1.

(Public Resolution No. 5.)

*Joint Resolution providing for the Termination of the Reciprocity Treaty of June 5, 1854,
between the United States and Great Britain.*

WHEREAS it is provided in the Reciprocity Treaty concluded at Washington the 5th of June, 1854, between the United States, of the one part, and the United Kingdom of Great Britain and Ireland, of the other part, that this Treaty "shall remain in force for ten years from the date at which it may come into operation, and, further, until the expiration of twelve months after either of the High Contracting Parties shall give notice to the other of its wish to terminate the same;" and whereas it appears by a Proclamation of the President of the United States, bearing date 16th March, 1855, that the Treaty came into operation on that day; and whereas, further, it is no longer for the interests of the United States to continue the same in force; therefore—

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that notice be given of the termination of the Reciprocity Treaty, according to the provision therein contained for the termination of the same; and the President of the United States is hereby charged with the communication of such notice to the Government of the United Kingdom of Great Britain and Ireland.

Approved, January 18, 1865.

No. 2.

Earl Russell to Mr. Adams.

Sir,

Foreign Office, March 17, 1865.

I HAVE the honour to acknowledge the receipt of your letter of this day, containing a Resolution of the Congress of the United States, approved by the President, in regard to the termination of the Treaty of 1854, commonly known as the Reciprocity Treaty.

Her Majesty will instruct Sir Frederick Bruce on his proceeding to Washington as Her Majesty's Envoy Extraordinary, upon this subject.

I am, &c.

(Signed) **RUSSELL.**

No. 3.

Earl Russell to Sir F. Bruce.

(Extract.)

Foreign Office, March 24, 1865.

THERE can be no doubt that the operation of the Reciprocity Treaty has been mutually beneficial to both the Contracting Parties.

Consulting first the statistical returns, we find that the Secretary of the Treasury of the United States reports that the total imports into the British Provinces from the United States were, in 1827, 445,118 dollars, and the exports from those provinces to the United States 2,830,674 dollars; total trade, 3,275,792 dollars.

It is stated by the Select Committee of the Chamber of Commerce of New York that the whole value of exports and imports between the United States and the British North American Provinces was in 1849, 6,000,000 dollars, and had grown slowly up to that amount. We find stated on the same authority—

1854.								Dollars.
Imports into Canada	..	..	..	..	..	..	..	15,583,098
Exports from Canada to the United States	..	..	..	..	..	..	..	8,649,002
1855.								Dollars.
Imports	..	..	..	..	..	..	..	20,828,676
Exports	..	..	..	..	..	..	..	16,737,277
1863.								Dollars.
Imports	..	..	..	..	..	..	..	23,109,362
Exports	..	..	..	..	..	..	..	22,534,075

There cannot well be a greater proof of the benefits of this commerce to both parties.

It is true that the Committee states that the balance of trade in regard to goods duty free was in ten years upwards of 42,000,000 dollars against the United States, and in regard to manufactured goods, upwards of 88,000,000 dollars in favour of the United States.

But there is no necessity of discussing views founded on the theory of the balance of trade. If the United States took in ten years goods duty free to the value of 42,000,000 more than they sent to Canada, it was that the inhabitants of the United States wanted these goods for their own use and enjoyment. So, likewise, if Canada took in ten years 88,000,000 dollars worth of duty-paying manufactures, &c., more than they exported to the United States, it was because the inhabitants of Canada wanted these goods for their own use and enjoyment, and were willing to pay the price demanded for them. Both countries have profited by this intercourse.

But other very great advantages have been derived from the Reciprocity Treaty. Before the conclusion of that Treaty frequent disputes arose respecting the sea fisheries, and men-of-war, British and American, were employed to adjust those disputes. Those disputes will probably arise anew if the Treaty is abrogated.

The free navigation of the St. Lawrence by the Americans, and the use of the American railroads by the Canadians during winter, are also consequences of the Reciprocity Treaty.

Upon the whole, the States immediately interested and bordering on the British provinces have come to the conclusion that, as a Treaty of Friendship and of Commerce, the Reciprocity Treaty has been eminently beneficial to both countries.

Thus, the New York Committee of the Chamber of Commerce say: "On the whole, then, the Committee has come to the conclusion that the large majority of the people of British North America, as well as of the States most interested in the subject, are in favour of a renewal and modification of the Reciprocity Treaty, in order to retain its benefits."

The Boston Report of a Special Committee of the Boston Board of Trade contains the following passages:—

"In the place of barred and bolted ports, the people of the United States and of the Colonies now, and under the Reciprocity Treaty, deal with one another at will, exchange without Customs even the 'wealth of seas' and the principal raw staples of the soil; mingle as if of the same nation on all fishing grounds, and as if of the same nation, too, use the St. Lawrence and the canals which connect it with the most distant of the great lakes and with the ocean. True, in this happy condition of things there are some grave evils to lament and to correct; yet we are still to rejoice that the inhuman restrictions which existed for nearly half a century have been removed. And now! are the misunderstandings of the moment to be cherished, and to terminate at last in utter alienation and hatred? Is retaliatory legislation to be revived on both sides?"

* * * * *

"Finally, we are amazed at the efforts to abrogate the Reciprocity Treaty of June 5, 1854, without an overture for negotiation. We had supposed that in commercial freedom, and of consequence in the promotion of human brotherhood, there is no recession. Is the case before us to stand in history as an exception?"

Next we find in the Report of a debate at Detroit the following statements:—

"MICHIGAN.

"Detroit Board of Trade, December 7, says:—The only action necessary on the part of our Government is to allow the present Treaty to stand until Commissioners appointed by it and the British Colonies of North America agree on whatever alterations may be deemed advisable, and mutually just and beneficial."

"ILLINOIS.

"Chicago Board of Trade, February 10, 1862, states that the 'Treaty has been of great value to the producing interest of the whole north-west.' Says that 'we should not check the energy nor circumscribe the industry of our country; but take a broad national view of the question, and firmly advocate the principle of the greatest good to the greatest number. Cannot recommend any measure that will in the least cripple the energies of our people, but cheerfully advocate the revision of the Treaty if any of its parts are unjust or oppressive.' 'What we desire is to make our trade still more reciprocal, still more free with our Canadian neighbours.'"

"WISCONSIN.

"Chamber of Commerce at Milwaukee, January 13, 1864, desires 'such action as shall result in securing a new Treaty, founded upon the true principles of reciprocity between the two Governments and the people of both countries, and which shall obviate the objections and inequalities existing in the present Treaty, and be upon a more liberal and enlarged basis.'"

"MINNESOTA.

"Memorial of the Chamber of Commerce at St. Paul, referred to the Committee on Commerce, February 5, 1862, invokes the 'sober second thought' of the country on the subject of our continental policy; reiterates the uniform utterance of the authorities and citizens of Minnesota 'in anticipating an adjustment of the relations of the United States and all the British provinces on this Continent on a basis of mutual interest and goodwill;' does 'not deny the expediency of a revision of existing stipulations, but always in the interest of further freedom, not additional restriction of commercial intercourse.' . . . From these several expressions of sentiment touching our commercial relations with our neighbours, we look for an amended Treaty that shall correct any imperfections that time has shown to exist

in the present Treaty, and, at the same time, secure and extend the real benefits that have already accrued to both countries under the existing Treaty."

Her Majesty's Government are quite willing to reconsider the Reciprocity Treaty in conjunction with the Government of the United States, to negotiate for a renewal of it, and so to modify its terms as to render it, if possible, even more beneficial to both countries than it has hitherto been.

But before any modifications of that Treaty can be considered, Her Majesty's Government must be informed whether the notice given by Mr. Adams, in terms so peremptory, is intended to put an end to the Treaty, or whether it leaves open the door to negotiation.

In the former case Her Majesty's Government can only regret that relations which, by conciliatory communications, might be rendered more intimate, more friendly, and more beneficial, should be broken and interrupted by the Government of the United States.

In the latter case you will ask Mr. Seward to inform you in detail of the points upon which modification of the Treaty is desired. You will, in this case, communicate with the Governor-General of Canada, as well as report to Her Majesty's Government, before you express any opinion to Mr. Seward upon the suggestions he may make.

No. 4.

Mr Burnley to Earl Russell.—(Received March 25.)

(Extract.)

Washington, March 9, 1865.

MR. SEWARD requested me to say to your Lordship that, with a view of still further inaugurating a more friendly policy with Her Majesty's Government, they were perfectly willing, as the season advanced, to enter into negotiations for a remodelling of the Reciprocity Treaty on terms which might prove, he hoped, advantageous and beneficial to both parties.

I communicated by to-day's mail with the Governor-General of Canada on the subject.

No. 5.

Sir F. Bruce to Earl Russell.—(Received June 23.)

(Extract.)

Washington, June 7, 1865.

THE illness of Mr. Seward and the pressure of business thrown upon this Government by the assassination of the President and the sudden collapse of the Confederate Government, have made it impossible to execute hitherto your Lordship's instructions to obtain a statement of the points in the Treaty which the United States wish to submit to fresh negotiation.

No. 6.

Earl Russell to Sir F. Bruce.

Sir,

Foreign Office, July 8, 1865.

I HAVE to acquaint you that the Secretary of State for the Colonies has suggested, and I have expressed my concurrence in the suggestion, that the Governors of the Lower Provinces of British North America should be placed in communication with you, in order that they may furnish you with such information as you may require when the negotiation for a renewal of the Reciprocity Treaty takes place.

I am, &c.
(Signed) RUSSELL.

No. 7.

Sir F. Bruce to Earl Russell.—(Received October 10.)

My Lord,

Washington, September 23, 1865.

I HAVE the honour to inclose a copy of a valuable Report from Mr. Consul Wilkins on the proceedings of the Trade Convention at Detroit, and on the causes which have influenced this country in the course they have pursued with reference to the Reciprocity Treaty.

Your Lordship will see that they are mainly of a political character.

I have, &c.

(Signed) FREDERICK W. A. BRUCE.

Inclosure in No. 7.

Consul Wilkins to Sir F. Bruce.

(Extract.)

St. Louis, September 7, 1865.

I HAVE endeavoured to ascertain the proper value to be attached to the Convention which met at Detroit in July last, and in which the deliberations regarding the Reciprocity Treaty with Canada assumed great prominence.

It has been my full intention to have reported, for your Excellency's information, the results of my observation, but I have been unable to do so because I have been disappointed in meeting those persons on whose information I thought I could rely in order to form a safe opinion.

Moreover, I had been promised copies of the proceedings of the Convention in a pamphlet form, which have not yet been issued. I therefore do not delay any longer in expressing to your Excellency my opinion that that Convention has assumed, both in the British and American press, an importance not due to it.

Your Excellency must clearly understand this last remark applies especially to those States west of Detroit, which, during the negotiations for, and ratification of the present Treaty, had little commercial influence, and whose representation in the Federal Congress was but small to what it is at present.

The present condition, therefore, of the valley of the Mississippi States is its normal condition as regards the present Treaty.

These States are composed of the cities which are the shipping points, and the agricultural districts tributary to them.

As regards either, I most confidently affirm that no opinion whatever has been formed on the merits of the question by the public.

A short time since I had a conversation with a member of Congress, and a remark which he made to me seems very pertinent, which was to this effect: "that people do not know what is good for their own interests until they have felt the want, and that it might be that the powerful interests in New York State might prevent a re-negotiation or a continuance of the Treaty, and that its abrogation would probably make the West think for themselves."

The best evidence I can give of the truth of this remark is that a member of the Chicago delegation complained to me of two things:—

1st. That he, for one, and he believed many of his colleagues, went to that Convention entirely unprepared to discuss the bearings of so important a question to the West as that presented by the abrogation of the Reciprocity Treaty; and,

2ndly. That if they had been prepared, no basis had been agreed upon on which the Representatives of the different sections of the country affected by the Treaty should vote. Therefore, it could scarcely be expected that national feeling should be correctly reflected by any resolutions which were then acceded to.

The Convention was originally called by the Board of Trade at Detroit, moved thereto partly, I am informed, by persons who had invested capital in Canada across the Detroit river, and who knew that the abrogation of the Treaty would affect their individual interests by probably causing the Canadian Legislature to impose a tax on the imported raw material used in the manufactories.

The mercantile and shipping interests at Buffalo and a portion of New York State believe that the existence of the Treaty is adverse to them.

Indeed, so strongly is this feeling marked, that for years past the cry of aboli-

tion of Treaty arrangements with Canada has been used by politicians for their own advancement.

It will therefore be perceived that whilst in the Detroit Convention the Chicago and Western Delegates went either indifferent or unprepared, those from New York State, made up of politicians and merchants, had been well educated in the school of opposition.

On behalf of the latter, it was argued that no Treaty should be made with unfriendly people, and hints were thrown out that annexation of Canada to the United States must follow the abrogation of the Treaty.

I found also that the merchants of New York State urged on the Chicago Delegates that even if the Treaty were a benefit to the West, the injury it inflicted on their best customers was of greater moment than the value it was to them.

But it must be understood that whilst I do not consider the proceedings of this Convention, as representing national views, are important, yet their value can scarcely be estimated as having had the effect of directing the public attention to the great importance of the question in the Western States.

I visited the Board of Trade several times and saw the merchants in the city. It was one general topic of discussion at that time, and although I was by no means surprised to find a bitterness against Canada very general, I certainly was surprised to hear the abrogation of the Treaty defended on the ground that it was disadvantageous to the West.

No. 8.

Sir F. Bruce to Earl Russell.—(Received November 20.)

My Lord.

Washington, November 6, 1865.

ON seeing the inclosed notification in the newspapers, I thought it advisable to ask Mr. Seward whether it was merely an administrative measure called for by the approaching expiration of the Reciprocity Treaty, or was intended to be a declaration of the Government against the renewal of the Treaty.

Mr. Seward stated that he was glad I had asked him the question in order that the import of the notification might not be misapprehended. He said that the question of the Treaty remained exactly as it was, and that the notification was not based on any action of the Cabinet, but was issued by the Secretary of the Treasury as an administrative act which could not be legally deferred.

I have, &c.

(Signed)

FREDERICK W. A. BRUCE.

Inclosure in No. 8.

Circular to Collectors of Customs and others.

Treasury Department, October 20, 1865.

I HAVE received information from the Secretary of State that official notice was delivered by our Minister at London, on the 17th of March, 1865, at 2 o'clock P.M., to the British Government, of the termination of the Reciprocity Treaty between the United States of America and Her Britannic Majesty, concluded the 5th of June, 1854, in conformity with the provisions of the said Treaty, and of the joint Resolution of Congress, approved January 18, 1865.

You are hereby instructed that the operation of the Treaty will cease on the expiration of twelve months from the time at which the notice was given.

(Signed)

HUGH McCULLOCH,

Secretary of the Treasury.

Sir F. Bruce to the Earl of Clarendon.—(Received December 16.)

(Extract.)

Washington, December 4, 1865.

MR. GALT arrived here from Canada, and passed three days at Washington, for the purpose of ascertaining the course it was best to pursue with reference to the Reciprocity Treaty.

It has been suggested, as this question would be brought before the Committee of Finance in connection with revenue arrangements, that the attempt should be made to obtain resolutions recommending the extension of the period allowed for the determination of the Treaty beyond the month of March, on the ground that the financial arrangements required by the new state of things would not be completed. These resolutions could be passed by a bare majority instead of a two-third vote; and as the subject would not be presented to Congress in a political shape by the Government, this course is thought more likely to be successful.

After mature consultation Mr. Galt and myself agreed that it would be advisable to try the course above suggested, and he will attend at Washington, if requested to do so by the Committee, in order to give explanations tending to prove the expediency of delay before determining the present arrangements.

We further agreed that it would be inexpedient to make any official overture on the Reciprocity Treaty until the experiment of obtaining an extension has been tried, or until there is reason to believe that the United States' Government would profess, in reply, a readiness to negotiate.

The Secretary of the Treasury appears to be hostile to the exemptions from duty secured by the Treaty. He argues that by mutual legislation the requirements of the trade between the United States and the provinces could be met.

Mr. Galt observes, that if time were afforded to carry the Confederation, perhaps it might be effected; but that it was impossible, as long as the provinces had distinct Legislatures, to expect similarity of legislation.

No. 10.

The Earl of Clarendon to Sir F. Bruce.

(Extract.)

Foreign Office, January 13, 1866.

I HAVE been in communication with the Secretary of State for the Colonial Department on the subject of your despatch of the 4th ultimo, regarding the course which it may be desirable for Her Majesty's Government to pursue in view of the termination of the Reciprocity Treaty of 1854 between this country and the United States.

Mr. Cardwell has expressed an opinion, in which I concur, that it is not advisable that you should be instructed to propose to the Government of the United States the Articles of a fresh Treaty at the present moment; but that it would be desirable that you should take any measures in your power to obtain the continuance for a time of the present Treaty; or, failing in that object, that you should receive, for the consideration of Her Majesty's Government, any proposals which the Government of the United States might wish to make.

I have accordingly to instruct you to take such steps as may appear most expedient to you for procuring a prolongation of the Treaty; and you will communicate with the Government of Canada on this subject, who will doubtless inform you of the nature of any suggestions which the Council appointed by the British North American provinces may submit to Her Majesty's Government in regard to it.

No. 11.

Sir F. Bruce to the Earl of Clarendon.—(Received February 26.)

My Lord,

Washington, February 11, 1866.

YOUR Lordship is aware that in view of the opposition manifested in this country to the renewal of the Reciprocity Treaty, it was decided that an attempt

should be made, by conferences with the Revenue Commissioners and the members of the Finance Committee of the House of Representatives, to come to an understanding on the fiscal and commercial questions that would arise on its abrogation. By this course it was hoped that such a basis might be laid for reciprocal legislation as would prevent the commercial interests which have grown up under the Treaty from material injury, and as the Legislatures of the different provinces might be inclined to accept.

With this object Delegates from Canada, New Brunswick, and Nova Scotia proceeded to New York, and put themselves in communication with the Revenue Commission. The subject was discussed at considerable length, the Chairman, Mr. Welles, being in favour of the negotiation of a new Treaty, and of such equitable and mutual arrangements as would tend to discourage smuggling, and would place on an equality the producers of the same articles on the opposite sides of the frontier between the United States and the Provinces.

On arriving at Washington the Delegates met with a friendly reception from Mr. McCulloch, the Secretary of the Treasury, and by him were placed in communication with the Finance Committee, of which Mr. Morrill is Chairman. They were able to impart much valuable information on the magnitude of the commercial interests involved, and the impression produced by their statements led them to hope that the scale of duties to be imposed would be adopted with a view to revenue, and that the protection afforded to the American producer would not exceed what was required in order to place him on an equality with his provincial competitors. They considered that these objects would be attained by a scale of duties calculated at 10 per cent.

These hopes unfortunately were not realised, as your Lordship will gather from the inclosures to this despatch, and as the Delegates were of opinion that there was no immediate prospect of such an arrangement being made as they could expect to carry through their Legislatures, they preferred leaving the question to be dealt with by the Committee without coming under pledge as to the course that would be taken in the provinces.

I am inclined to think that, independently of the strong party in Congress which adopts the Protectionist theory, the desire to impose exorbitant duties may be attributed in part to a feeling that the extent of the operation of the Internal Revenue Law on the industry of the country is very imperfectly understood. The Report of the Revenue Commission shows that even the present high tariff does not place the American producer on a level with the foreign manufacturer. I judge from conversations I have had with some of the leading financiers that they feel the disadvantage under which their uncertainty on this point placed them, and I am not without hopes that further investigation will be called for by the Committee, and more equitable arrangements adopted, if it turns out that the duties proposed will be prohibitory.

The exclusion of the Southern Representatives, however, throws an exceptional power in such matters into the hands of the Protectionists of the north and centre of the country, and their ranks are swelled by the agriculturists of the North-Western States, who dread the competition of the wheat and barley growers of Canada.

I have, &c.
(Signed) **FREDERICK W. A. BRUCE.**

Inclosure 1 in No. 11.

The Provincial Delegation to Sir F. Bruce.

Sir,

Washington, February 7, 1866.

WE have the honour to inform your Excellency that our negotiations for the renewal of a reciprocal trade with the United States have terminated unsuccessfully. You have been informed from time to time of our proceedings, but we propose briefly to recapitulate them.

On our arrival here, after consultation with your Excellency, we addressed ourselves, with your sanction, to the Secretary of the Treasury, and we were by him put in communication with the Committee of Ways and Means of the House of Representatives. After repeated interviews with them, and on ascertaining that no renewal or extension of the existing Treaty would be made by the American autho-

rities, but that whatever was done must be by legislation, we submitted, as the basis upon which we desired arrangements to be made, the inclosed paper, marked A.

In reply, we received the Memorandum from the Committee, of which a copy is inclosed (B). And finding, after discussion, that no important modifications in their views could be obtained, and that we were required to consider their proposition as a whole, we felt ourselves under the necessity of declining it, which was done by the Memorandum (also inclosed) C.

It is proper for us to explain the grounds of our final action.

It will be observed that the most important provisions of the expiring Treaty relating to the free interchange of the products of the two countries were entirely set aside, and that the duties proposed to be levied were almost prohibitory in their character. The principal object for our entering into negotiations was therefore unattainable, and we had only to consider whether the minor points were such as to make it desirable for us to enter into specific engagements.

These points are three in number. With regard to the first, the proposed mutual use of the waters of Lake Michigan and the St. Lawrence, we considered that the present arrangements were sufficient, and that the common interests of both countries would prevent their disturbance. We were not prepared to yield the right of interference in the imposition of tolls upon our canals. We believed, moreover, that the privilege allowed the United States of navigating the waters of the St. Lawrence was very much more than an equivalent for our use of Lake Michigan.

Upon the second point, providing for the free transit of goods under bond between the two countries, we believe that in this respect, as in the former case, the interests of both countries would secure the maintenance of existing regulations.

Connected with this point was the demand made for the abolition of the free ports existing in Canada, which we were not disposed to concede, especially in view of the extremely unsatisfactory position in which it was proposed to place the trade between the two countries.

On both the above points we do not desire to be understood as stating that the existing arrangements should not be extended and placed on a more permanent basis; but only that, taken apart from the more important interests involved, it did not appear to us at this time necessary to deal with them exceptionally.

With reference to the third and last point, the concession of the right of fishing in provincial waters, we considered the equivalent proposed for so very valuable a right to be utterly inadequate. The admission of a few unimportant articles free, with the establishment of a scale of high duties as proposed, would not, in our opinion, have justified us in yielding this point.

While we regret this unfavourable termination of the negotiations, we are not without hope that, at no distant day, they may be resumed with a better prospect of a satisfactory result.

We have, &c.

(Signed) W. GALT, *Minister of Finance, Canada.*
W. P. HOWLAND, *Postmaster-General, Canada.*
W. A. HENRY, *Attorney-General, Nova Scotia.*
A. J. SMITH, *Attorney-General, New Brunswick.*

Inclosure 2 in No. 11.

Memorandum A.

THE trade between the United States and the British provinces should, it is believed, under ordinary circumstances, be free in reference to their natural productions; but as internal taxes exceptionally exist in the United States, it is now proposed that the articles embraced in the Free List of the Reciprocity Treaty should continue to be exchanged, subject only to such duties as may be equivalent to that internal taxation. It is suggested that both parties may add certain articles to those now in the said list.

With reference to the fisheries and the navigation of the internal waters of the Continent, the British provinces are willing that the existing regulation should continue in effect; but Canada is willing to enter into engagements with the view of improving the means of access to the ocean, provided the assurance be given

that the trade of the Western States will not be diverted from its natural channel by legislation: and if the United States are not prepared at present to consider the general opening of their coasting trade, it would appear desirable that, as regards the internal waters of the Continent, no distinction should be made between the vessels of the two countries.

If the foregoing points be satisfactorily arranged, Canada is willing to adjust her excise duties upon spirits, beer, and tobacco, upon the best revenue standard which may be mutually adopted after full consideration of the subject; and if it be desired to treat any other articles in the same way, the disposition of the Canadian Government is to give every facility in their power to prevent illicit trade.

With regard to the transit trade, it is suggested that the same regulations should exist on both sides, and be defined by law. Canada is also prepared to make her patent laws similar to those of the United States.

Inclosure 3 in No. 11.

Memorandum B.

IN response to the Memorandum of the Honourable Mr. Galt and his associates, Honourable Mr. Smith, Honourable Mr. Henry, and the Honourable Mr. Howland, the Committee of Ways and Means, with the approval of the Secretary of the Treasury, are prepared to recommend to the House of Representatives, for their adoption, a law providing for the continuance of some of the measures embraced in the Reciprocity Treaty, soon to expire, viz.: For the use and privileges enjoyed now under the said Treaty in the waters of Lake Michigan, provided that the same rights and privileges are conceded to the citizens of the United States by Canada in the waters of St. Lawrence and its canals as are enjoyed by British subjects, without discrimination as to tolls, and charging rates proportional to canal distance; also for the free transit of goods, wares, and merchandize in bond, under proper regulations, by railroad across the territory of the United States to and from Portland and the Canada line; provided equal privileges shall be conceded to the United States from Windsor or Port Sarnia, or other Western points of departure to Buffalo or Ogdensburg, or any other points eastward, and that the free ports established in the provinces shall be abolished; also that the bounties now given to American fishermen shall be repealed, and duties not higher imposed upon fish than those mentioned in Schedule A, providing that all the right of fishing near the shores existing under the Treaty heretofore mentioned shall be granted and conceded by the United States to the provinces, and by the provinces to the United States.

It is also further proposed that the following list of articles shall be mutually free, viz.: Burr millstones, unwrought; cotton and linen rags, firewood, grindstones rough or finished; gypsum, or plaster, underground.

SCHEDULE A. Fish—Mackerel, 1 dollar 50 cents per barrel; herring, pickled or salted, 1 dollar per barrel; salmon, 2 dollars 50 cents per barrel; shad, 2 dollars per barrel; all other fish, pickled, 1 dollar 50 cents per barrel; provided that any fish in packages other than barrels shall pay in proportion to the rates charged upon similar fish in barrels. All other fish $\frac{1}{2}$ cent per lb.

As to the duties which will be proposed upon the other articles included in the Treaty, the following are submitted, viz.: Animals living, of all sorts, 20 per cent. *ad valorem*; apples and garden fruit and vegetables, 10 per cent. *ad valorem*; barley, 15 cents per bushel; beans, except vanilla and castor oil, 30 cents per bushel; beef, 1 cent per lb.; buckwheat, 10 cents per bushel; butter, 4 cents per lb.; cheese, 4 cents per lb.; corn (Indian) and oats, 10 cents per bushel; cornmeal (Indian) and oatmeal, 15 cents per bushel; coal (bituminous), 50 cents per ton; all other coal, 25 cents per ton; flour, 25 per cent. *ad valorem*; hams, 2 cents per lb.; hay, 1 dollar per ton; hides, 10 per cent. *ad valorem*; lard, 3 cents per lb.; lumber (pine), round or log, 1 dollar 50 cents per 1,000 feet; pine, sawn or hewn, 2 dollars 50 cents per 1,000 feet; planed, tongued, and grooved or finished, 25 per cent. *ad valorem*; spruce and hemlock, sawed or hewn, 1 dollar per 1,000 feet; spruce planed, finished, or partly finished, 25 per cent. *ad valorem*; shingle bolts, 10 per cent. *ad valorem*; shingles, 20 per cent. *ad valorem*; all other lumber—of black walnut, chestnut, bass, white wood, ash, oak, round, hewn, or sawed, 20 per cent. *ad valorem*; if planed, tongued, and grooved, or finished, 25 per cent. *ad valorem*; ores, 10 per cent. *ad valorem*; peas, 25 cents per bushel; pork, 1 cent per lb.; seed (timothy and clover),

20 per cent. *ad valorem*; trees (plant and shrub), ornamental and fruit, 15 per cent. *ad valorem*; tallow, 2 cents per lb.; wheat, 20 cents per bushel.

Inclosure 4 in No. 11.

Memorandum C.

Washington, February 6, 1866.

IN reference to the Memorandum received from the Committee of Ways and Means, the Provincial Delegates regret to be obliged to state that the proposals therein contained in regard to the commercial relations between the two countries are not such as they can recommend for the adoption of the respective Legislatures. The imposts which it is proposed to lay upon the productions of the British provinces on their entry into the markets of the United States, are such as, in their opinion, will be in some cases prohibitory, and will certainly seriously interfere with the natural course of trade. These imposts are so much beyond what the delegates conceive to be an equivalent for the internal taxation of the United States, that they are reluctantly brought to the conclusion that the Committee no longer desire the trade between the two countries to be carried on upon the principles of reciprocity. With the concurrence of the British Minister at Washington, they are therefore obliged respectfully to decline to enter into the engagement suggested in the Memorandum; but the present views of the United States may soon be so modified as to permit of the interchange of the productions of the two countries upon a more liberal basis.

No. 12.

Mr. Elliot to Mr. Hammond.—(Received March 7.)

Sir,

Downing Street, March 6, 1866.

I AM directed by Mr. Secretary Cardwell to transmit to you, for the consideration of the Earl of Clarendon, the accompanying copy of a despatch from the Governor of Canada, inclosing a copy of a Proclamation warning all citizens of the United States that their right to fish in the inshore waters of Canada will cease with the termination of the Reciprocity Treaty on the 17th of March.

I am, &c.

(Signed) T. FREDK. ELLIOT.

Inclosure 1 in No. 12.

Viscount Monck to Mr. Cardwell.

Sir,

Government House, Montreal, February 19, 1866.

I HAVE the honour to transmit, for your information, a copy of a Proclamation warning all citizens of the United States that their right to fish in the inshore waters of Canada will cease with the termination of the Reciprocity Treaty on the 17th of March.

I have, &c.

(Signed) MONCK.

Inclosure 2 in No. 12.

Proclamation.

Province of Canada.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c.

To all to whom these presents shall come, or whom the same may concern, greeting.

Whereas a certain Treaty was made between Her Majesty and the United States of America on the 5th of June, 1854, providing for reciprocal trade :

And whereas the United States of America have, in accordance with the terms of the said Treaty, given notice for the termination thereof; and whereas in consequence of such notice the said Treaty will expire on the 17th day of March, 1866 :

And whereas under the said Treaty many persons, citizens of the United States of America, have invested moneys and fitted out ships for the purpose of carrying on the (inshore) fisheries within the territory of Canada under the said Treaty :

And whereas they may be unaware that their right to carry on such inshore fisheries will end on the said 17th day of March :

We, therefore, in our great desire to prevent injury or loss to our loving subjects, or to the citizens of a State with which we are happily in amity, do in this our Royal Proclamation caution and warn all persons not subjects of our realm, that after the said 17th day of March next no vessels owned and manned in the United States of America can pursue the inshore fisheries without rendering themselves liable to the confiscation of their vessels, and such other penalties, pecuniary and personal, as are by law imposed.

No. 13.

Sir F. Bruce to the Earl of Clarendon.—(Received March 9.)

My Lord,

Washington, February 22, 1866.

I HAVE the honour to inclose copy of a note I addressed to Mr. Seward, stating the course Her Majesty's Government would be prepared to take if the Government of the United States were disposed to negotiate a fresh Reciprocity Treaty in the place of the one which expires on the 17th of next March.

Also a copy of Mr. Seward's reply, in which he dwells on the sentiment of Congress, and the constitutional objections to Treaties of this nature as the reasons which induce the United States' Government to decline negotiating, and to leave the question of reciprocal trade with the provinces to be dealt with as Congress may decide.

I have informed Lord Monck of the result of my communications with this Government on the subject.

I have, &c.

(Signed) FREDERICK W. A. BRUCE.

Inclosure 1 in No. 13.

Sir F. Bruce to Mr. Seward.

Sir,

Washington, February 16, 1866.

AS the Reciprocity Treaty is about to expire, I am anxious to report in a formal shape the disposition of the Government of the United States with reference to the important question of its renewal, and I therefore submit for consideration the following proposals, which embody the views of Her Majesty's Government with respect to it.

Her Majesty's Government have seen with much satisfaction the increase of the trading relations between the United States and the British provinces which has grown up under the Treaty, and the beneficial results of the stipulations it contains, by virtue of which each Contracting Party enjoys the uninterrupted use of the facilities of transport to the seaboard possessed by the other, and participates side by side in the fisheries, without restriction or interference.

Her Majesty's Government would be well content to renew the Treaty in its present form.

At the same time they are ready to reconsider the Treaty in conjunction with the Government of the United States, if such a course would be agreeable to them, and so to modify its terms as to render it, if possible, more beneficial to both countries than it has hitherto been.

If the Government of the United States should feel disposed to adopt the latter course, an arrangement of a provisional character might be entered into with a view to afford time for fresh negotiations, and I should take pleasure in submitting

to the consideration of my Government any proposal to that effect which you might do me the honour to communicate to me.

I have, &c.
(Signed) FREDERICK W. A. BRUCE.

Inclosure 2 in No. 13.

Mr. Seward to Sir F. Bruce.

Sir,

Department of State, Washington, February 17, 1866.

I HAVE the honour to acknowledge the receipt of a note which you addressed to me on the 16th instant, concerning a proposed extension of the Reciprocity Treaty. Perhaps I could not reply in any other manner more satisfactorily than I shall now do by stating anew the verbal explanations which I have had heretofore occasion to make to you upon that subject.

The character of the constitutional distribution of public affairs among the different Departments of the Government is well known. It confides commerce and national finance expressly to the Legislature.

The now expiring Reciprocity Treaty constitutes almost the only case in which the Executive Department has, by negotiation, assumed a supervision of any question of either commerce or finance. Even in that case the Executive Department did little more than to make a Treaty, the details of which had been virtually matured beforehand in the Congress of the United States, and sanction was given to the Treaty afterwards by express legislation.

The question of continuing that Treaty involves mainly subjects of the special character which I have before described.

Careful inquiry made during the recess of Congress induced the President to believe that there was then no such harmony of public sentiment in favour of the extension of the Treaty as would encourage him in directing negotiations to be opened. Inquiries made since the re-assembling of Congress confirmed the belief then adopted that Congress prefers to treat the subject directly, and not to approach it through the forms of diplomatic agreement.

In accordance with this conviction, all communications, verbal and written, upon the subject, have been submitted to the consideration of the proper Committees of Congress, and the question of extending a system of reciprocal trade with the British Provinces on our frontier awaits their decision.

I have, &c.
(Signed) WILLIAM H. SEWARD.

No. 14.

The Earl of Clarendon to Sir F. Bruce.

Sir,

Foreign Office, March 12, 1866.

HER Majesty's Government approve the note of which a copy is inclosed in your despatch of the 22nd of February, and which you addressed to Mr. Seward, stating the course Her Majesty's Government would be prepared to take if the Government of the United States were disposed to negotiate a fresh Reciprocity Treaty.

I am, &c.
(Signed) CLARENDON.

No. 15.

The Earl of Clarendon to Sir F. Bruce.

(Extract.)

Foreign Office, March 17, 1866.

IT may be necessary for me to recapitulate very shortly the steps which have been taken by Her Majesty's Government with respect to the Reciprocity Treaty between this country and the United States, which ceases to be in operation this day.

That Treaty was entered into by the two countries in order to avoid further misunderstanding between their respective subjects and citizens in regard to the extent of the right of fishing on the coasts of British North America, and in order to regulate and extend the commerce and navigation between their respective territories and peoples. The misunderstandings to which the Treaty alluded were of a grave character, and had more than once threatened to interrupt the friendly relations which it has ever been the desire of the British Government to maintain with that of the United States. They were happily put an end to by the Treaty, and for a period of nearly eleven years during its existence the subjects and citizens of the two countries have carried on their respective occupations, and have enjoyed the privileges which they have obtained under it, without any question having arisen to disturb the good understanding which had thus been established between the two Governments.

Her Majesty's Government had hoped that a state of things so advantageous to the political relations and to the commerce between the United States and Great Britain and her North American Colonies would have been allowed to continue, and that the Government of the United States would not have availed themselves of their right of terminating a Treaty which, in the opinion of Her Majesty's Government, has so well fulfilled the object for which it was entered into and has been so eminently beneficial to both the Contracting Parties. In this hope, however, Her Majesty's Government have been disappointed. On the 17th of March of last year Mr. Adams transmitted to Lord Russell a certified copy of a joint Resolution of the Congress of the United States, approved by the President, giving notice of the termination of the Treaty at the expiration of twelve months from that date, as it was considered no longer for the interests of the United States to continue the Treaty in force.

Mr. Seward, however, had informed Mr. Burnley, that with a view of inaugurating a more friendly policy with Her Majesty's Government, he was willing, as the season advanced, to enter into negotiations for a remodelling of the Treaty on terms which might prove, he hoped, advantageous and beneficial to both parties.

Her Majesty's Government, whilst deeply regretting the step which the United States had considered it advisable to take, instructed you on your arrival at Washington to state to Mr. Seward their willingness to reconsider the Treaty in conjunction with the Government of the United States, to negotiate for a renewal of it, or so to modify its terms as to render it, if possible, even more beneficial to both countries than it had hitherto been. You were further instructed to invite Mr. Seward to inform you in detail of the points upon which a modification of the Treaty was desired.

Owing to events of urgent importance, which occupied the attention of the Government of the United States, and to the serious illness of Mr. Seward, you were unable to execute Earl Russell's instructions on your arrival at Washington, and you subsequently deemed it more prudent, and thought that we should be more likely to obtain the object we had in view, if you were to defer entering into official communication with Mr. Seward on the subject.

The Governors of the British North American Colonies were not less impressed than Her Majesty's Government with the grave consequences that were to be expected from the termination of the Reciprocity Treaty, and were equally desirous either that it should be renewed or that some fresh arrangement should be made having the same objects. Mr. Galt, a member of the Canadian Government, with a view to assisting you in any negotiations which might take place for this purpose, proceeded to Washington at the end of last year, for the purpose of ascertaining the course it might be most advisable for Her Majesty's Government to pursue with reference to the Treaty. Mr. Seward then declared that there were insurmountable objections to the renewal of the Treaty, which could only be effected by a vote of two-thirds from the Senate, which it was hopeless to reckon upon. He expressed himself at the same time not unfavourable to the negotiation of a Treaty, and he suggested that as the question would be brought before the Committee of Finance in connection with revenue arrangements, an attempt should be made to obtain resolutions recommending the extension of the period allowed for the determination of the Treaty. Mr. Seward appears to have subsequently expressed the same opinion to you.

It appeared to Mr. Galt and yourself that it would be advisable to take the course suggested by Mr. Seward, and you agreed that it would be inexpedient to make any official overture on the subject of the Treaty until the experiment of

obtaining an extension had been tried, or until there would be reason to believe that the United States' Government would manifest in reply a readiness to negotiate.

You were accordingly instructed by me to take such steps as might appear most expedient for procuring a prolongation of the Treaty, and you were directed to communicate on the subject with the Governor of Canada.

Mr. Galt and Mr. Howland, the Postmaster-General of the Province of Canada, proceeded to Washington for the purpose of conferring with you, and of urging through you on the Government of the United States the importance of postponing the termination of the Reciprocity Treaty, so as to afford time for negotiation.

The delegates from the British North American Colonies, after repeated interviews with the Committees of Ways and Means, of which Mr. Morrill was the chairman, in which they ascertained that no renewal or extension of the existing Treaty would be made by the American authorities, but that whatever was done must be done by legislation, submitted a Memorandum to the Committee as the basis upon which they desired arrangements to be made.

This Memorandum was not accepted by the Committee, which drafted a counter-Memorandum declaring its readiness to recommend to the House of Representatives for their adoption a law providing for the continuance of some of the measures embraced in the Treaty. The delegates considered that the proposals of the Committee were unacceptable; and finding, after discussion, that no important modifications in the views of the Committee could be obtained, declined to accede to the counter-proposal, and the negotiations terminated.

As you considered, from the terms of this counter-proposal, that the Committee desired to break off negotiations and not to entertain any proposal for the continuation of the Treaty, you deemed it advisable to address a note to Mr. Seward, expressing the readiness of Her Majesty's Government to renew the existing Treaty or to reconsider the Treaty in conjunction with the Government of the United States, if such a course would be agreeable to them, and so to modify its terms as to render it, if possible, more beneficial to both countries than it had previously been. You suggested at the same time to Mr. Seward, that if the Government of the United States felt disposed to adopt the latter course an arrangement of a provisional character might be entered into with a view to afford time for fresh negotiations, and expressed your readiness to submit to the consideration of Her Majesty's Government any proposal to that effect which Mr. Seward might communicate to you. In reply, Mr. Seward stated that careful inquiry during the recess induced the President to believe that there was no such harmony of public interest in favour of the extension of the Treaty as would encourage him in directing negotiations to be opened, and that inquiries made since the re-assembling of Congress confirmed the belief that Congress preferred to treat the subject directly, and not to approach it through the forms of diplomatic agreement. All communications had accordingly been submitted to the consideration of the proper Committees of Congress, and the question of extending a system of reciprocal trade with the British provinces on the United States' frontier awaited their decision.

The attempts thus made, whether to renew the Treaty, to conclude a new one, or to extend the time for its expiration, in order to admit of negotiations, having failed, and the Treaty having now expired, it becomes the duty of Her Majesty's Government to consider what course they should pursue. By the termination of the Treaty of 1854, two important and undoubted rights of this country, the enjoyment of which, through the operation of the Treaty, were temporarily ceded to citizens of the United States, revert absolutely to the British Crown. Those rights are, first, the exclusive right of fishing by its subjects on the sea-coasts and shores, and in the bays, harbours, and creeks, of the British possessions of North America, except in so much as certain restricted privileges may have been conceded by the Convention of 1818 to American citizens; and, secondly, the exclusive right of navigation by its subjects of the River St. Lawrence, and the canals communicating between the great lakes and the canals in Canada.

With regard to the navigation of the St. Lawrence and the canals, it is not the intention of Her Majesty's Government to interfere for the present with the privileges which the citizens of the United States have enjoyed during the time the Treaty has been in operation. As regards the privileges of fishing and of landing upon the shores and coasts of Her Majesty's possessions for the purpose of drying their nets and curing their fish, which have been enjoyed by citizens of the United States under the Treaty, Her Majesty's Government are very desirous to

prevent the injury and loss which may be inflicted upon the citizens of the United States by the sudden withdrawal of their privileges. They are, however (now that the Treaty has come to an end), bound by the Act 59 George III, cap. 38, as well as by the Acts of the Legislatures of New Brunswick and Nova Scotia, which have obtained the Imperial sanction. By those Acts, which were only suspended during the existence of the Treaty, severe penalties, extending to confiscation of their vessels, with the cargoes, tackle, stores, &c., are inflicted upon all persons, not British subjects, who shall be found fishing or to have been fishing or preparing to fish within the distance of three miles of the coast of Her Majesty's possessions in North America.

It becomes the duty of Her Majesty's Government and of the Governments of the respective provinces to enforce the law, and until those Acts are modified or repealed, citizens of the United States will be prohibited from fishing in British waters, from landing on British territory for the purpose of drying their nets and curing their fish, and will be subject to all the penalties which the violation of the law entails.

Under these circumstances, it has been the duty of Lord Monck to issue a Proclamation informing all persons who may be concerned of the state of the law, and warning them of the penalties that they incur by its violation.

Her Majesty's Government are not insensible to the great inconvenience and losses to which the exclusion of American citizens from privileges so long enjoyed by them, and in which capital to a considerable amount has been invested, and labour to a large extent has been employed, must unavoidably subject a great number of persons.

They fear that so long an enjoyment of those privileges may induce those who have been engaged in fishing ventures on the coasts of the British possessions to defy the law and carry on their operations, thus exposing their property to seizure and confiscation. A feeling of irritation may thus be engendered in the North-eastern States of America against the British Government and nation which Her Majesty's Government would deeply regret, and which might lead to serious misunderstandings between the two Governments.

Her Majesty's Government have the satisfaction of feeling that they have done their utmost to prevent these consequences. They have declared their readiness, and they are still prepared, to come to any arrangement with the United States, either by a continuation or a renewal of the Reciprocity Treaty, or by entering into new engagements by which the privileges hitherto enjoyed by American citizens might be still secured to them. The Government of Washington has declined to accede to these proposals.

Her Majesty's Government cannot therefore accept any responsibility for the results which they fear may arise from the termination of the Reciprocity Treaty by the act of the United States' Government themselves—results which they have done their utmost to avoid, and which, if they do occur, Her Majesty's Government will most sincerely deplore.

No. 16.

Sir F. Bruce to the Earl of Clarendon.—(Received March 28.)

(Extract.)

Washington, March 9, 1866.

YOUR Lordship is aware that a Bill has been introduced into Congress by Mr. Morrill, the Chairman of the Ways and Means Committee, which aims at imposing an exceptional scale of duties on provincial productions, with provisos making the duration of this scale contingent on the continuance of the privileges accorded by the Reciprocity Treaty to the inhabitants of the United States, and empowering the President, if enjoyment of them is withdrawn, to put an end to the special duties in whole or in part.

There is a strong opposition to this Bill, on the ground, among others, that a power of this kind should not be confided to the Executive, and I think it will probably not pass in its present shape.

Sir F. Bruce to the Earl of Clarendon.—(Received April 1.)

(Extract.)

Washington, March 14, 1866.

THE Bill introduced by Mr. Morrill into the House of Representatives for regulating trade with the British provinces has been thrown out. The amendments introduced into it while under discussion showed that the Committee had proposed a lower scale of duties than the Houses were willing accept. The tone of debate was in favour of protection to every branch of production, and opposed to any special tariff arrangements on the northern frontier.

The failure of this Bill is not to be regretted. The duties imposed on fish and on the principal productions of Canada would not have been considered in the provinces as reasonable when compared with the advantages secured to American interests. The proviso, moreover, which empowered the President to suspend, in whole or in part, these exceptional duties, and to leave the articles to be dealt with under the provisions of the general Tariff, in the event of the provinces not continuing to the Americans the enjoyment of the rights conferred by the Reciprocity Treaty, coupled with the fact that the arrangement, being made by Bill, is capable at any moment of being altered or put an end to, introduced an element of uncertainty which would have operated prejudicially on the commercial interests affected by it.

Correspondence respecting the Termination of the
Reciprocity Treaty of June 5, 1854, between the
United States and Great Britain.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1866.*

LONDON:

PRINTED BY HARRISON AND SONS

TREATY OF COMMERCE

BETWEEN

HER MAJESTY

AND THE

EMPEROR OF AUSTRIA.

WITH THE FINAL PROTOCOL.

Signed at Vienna, December 16, 1865.

Presented to both Houses of Parliament by Command of Her Majesty.
1866.

LONDON:
PRINTED BY HARRISON AND SONS.

TREATY OF COMMERCE between Her Majesty and the Emperor of Austria.

With the Final Protocol.

Signed at Vienna, December 16, 1865.

[Ratifications exchanged at Vienna, January 4, 1866.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, on the one part; and His Majesty the Emperor of Austria, King of Hungary and Bohemia, &c., on the other part; being equally animated by the desire of regulating and extending the commercial relations between their respective States and Possessions, have resolved to conclude a Treaty for that purpose, and have named for their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., the Right Honourable John Arthur Douglas, Baron Bloomfield of Oakhampton and Redwood, a Peer of Ireland, a Member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Her Majesty's Ambassador Extraordinary and Plenipotentiary to His Imperial and Royal Apostolic Majesty;

And His Majesty the Emperor of Austria, King of Hungary and Bohemia, &c., Alexander Count Mensdorff-Pouilly, Grand Cross of the Order of Leopold, with the military decoration belonging to the Commander's Cross of the same Order, Knight of the Order of Maria Theresa, and Possessor of the Cross of Military Merit, Knight Commander of the Most Honourable Order of the Bath, Lieutenant-General in His Imperial Majesty's Army, Privy Councillor and Chamberlain, Minister of the Imperial House and of Foreign Affairs; and Bernhard, Baron Wüllerstorff-Urbair, Knight of the Order of the Iron Crown of the Second Class, Rear-Admiral in His Imperial Majesty's Navy, Privy Councillor, and Minister for Commerce;

Who, after communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

IHRE Majestät die Königin des Vereinigten Königreiches von Grossbritannien und Irland, u. s. w., auf der einen Seite, und Seine Majestät der Kaiser von Oesterreich, König von Ungarn und Böhmen, u. s. w., auf der anderen Seite, von dem gleichen Wunsche beseelt, die Handelsbeziehungen zwischen Ihren beiderseitigen Staaten und Besitzungen zu regeln und auszudehnen, haben beschlossen einen Vertrag zu diesem Zwecke einzugehen und zu Ihren Bevollmächtigten ernannt, nämlich:—

Ihre Majestät die Königin des Vereinigten Königreiches von Grossbritannien und Irland, den sehr ehrenwerthen Johann Arthur Douglas, Baron Bloomfield von Oakhampton and Redwood, Pair von Irland, Mitglied Ihrer Britischen Majestät höchst ehrenwerthen geheimen Rathes, Grosskreuz des höchst ehrenwerthen Bath-Ordens, allerhöchst Ihren ausserordentlichen und bevollmächtigten Botschafter bei Seiner Kaiserlich Königlich Apostolischen Majestät;

Und Seine Majestät der Kaiser von Oesterreich, König von Ungarn und Böhmen, den Herrn Alexander Grafen von Mensdorff-Pouilly, Grosskreuz allerhöchst Ihres Leopoldordens mit der Kriegsdecoration zum Commandeur Kreuze, Ritter des Maria Theresien Ordens und Besitzer des Militär verdienst Kreuzes, Komthur des höchstehrenwerthen Grossbritannischen Bath Ordens, allerhöchst Ihren Feldmarschall Lieutenant, Geheimer Rath und Kämmerer, Minister des Kaiserlichen Hauses und der auswärtigen Angelegenheiten; und den Herrn Bernhard Freiherrn von Wüllerstorff-Urbair, Ritter allerhöchst Ihres Ordens der Eisernen Krone zweiter Classe, allerhöchst Ihren Contre-Admiral, Geheimen Rath und Minister für Handel und Volkswirtschaft;

Welche, nach gegenseitigen Mittheilung ihrer in guten und gehöriger Form befundenen Vollmachten, die nachstehenden Artikel vereinbart und abgeschlossen haben:—

ARTICLE I.

During the continuance of the present Treaty, the subjects and commerce of Austria shall enjoy within all the dominions and possessions of Her Britannic Majesty, including Her Majesty's Colonies and foreign possessions, the same advantages which have been conceded to French subjects and commerce by the Treaty between Her Majesty and the Emperor of the French, signed at Paris on the 23rd of January, 1860, and to the subjects and commerce of the States of the Zollverein by the Treaty between Her Majesty and His Majesty the King of Prussia, representing the sovereign States and territories united to the Prussian system of customs and contributions, signed at Berlin on the 30th of May, 1865; and further, Austrian subjects and commerce shall be placed in all other respects on the footing of the subjects and commerce of the most favoured nation.

ARTICLE II.

From and after the 1st January, 1867, British subjects and commerce shall, within the dominions of His Imperial and Royal Majesty, be placed in every respect upon the footing of the most-favoured nation, and share in all the advantages and favours which are enjoyed by the commerce and subjects of any third Power.

From this rule are excepted:—

a. Advantages such as those which, for the sole purpose of facilitating frontier traffic, are at present conceded, or may hereafter be conceded, to the States of the German Zollverein, or to other neighbouring States; and also those reductions of, or exemptions from Customs duties which are valid only at certain parts of the frontier, or for the inhabitants of particular localities.

b. Those advantages which belong, or may hereafter be conceded, to the subjects of the German Confederation, in virtue of Federal Treaties and Federal Laws.

c. Those special and ancient privileges which are enjoyed by Turkish subjects, as such, for Turkish commerce in Austria.

ARTICLE III.

The Austrian Customs Tariff (the present system of calculating Customs duties by weight being maintained) shall be so regulated that the duty to be levied upon articles the produce or manufacture of the dominions of Her Britannic Majesty, upon

ARTIKEL I.

Während der Dauer des gegenwärtigen Vertrages werden die Unterthanen und der Handel Oesterreichs innerhalb aller Gebiete und Besitzungen einschliesslich den Colonien und auswärtigen Besitzungen Ihrer Britischen Majestät dieselben Vortheile geniessen, welche den Unterthanen und dem Handel Frankreichs durch den zu Paris am 23 Januar, 1860, unterzeichneten Vertrag zwischen Ihrer Majestät und dem Kaiser der Franzosen, den Unterthanen und dem Handel der Zollvereinstaaten durch den in Berlin am 30 Mai, 1865, zwischen Ihrer Majestät und dem Könige von Preussen als Vertreter der dem Preussischen Zoll- und Steuer-systeme beigetretenen Souverainen Staaten und Gebiete zugestanden worden sind, und es werden ferner die Unterthanen und der Handel Oesterreichs in allen übrigen Beziehungen auf gleichen Fuss mit den Unterthanen und dem Handel der meist begünstigten Nationen gesetzt.

ARTIKEL II.

Von und nach dem 1 Januar, 1867, sollen britische Unterthanen und Handel in den Staaten Seiner Kaiserlichen Königlichen Majestät in allen Beziehungen auf den Fuss der meist begünstigten Nation gesetzt werden und sollen denselben alle Vortheile und Begünstigungen zu Theil werden, welche dem Handel und den Unterthanen irgend einer dritten Macht zukommen.

Ausgenommen hievon sind:—

a. Solche Begünstigungen, welche lediglich zur Erleichterung des Grenzverkehrs den Staaten des deutschen Zollvereins oder anderen Nachbarstaaten gegenwärtig zugestanden sind oder künftig zugestanden werden könnten, sowie jene Zollerlässigungen oder Zollbefreiungen, welche nur für gewisse Grenzen oder für die Bewohner einzelner Besitztheile Geltung haben.

b. Jene Begünstigungen, welche den Unterthanen der deutschen Bundesstaaten kraft der Bundesverträge und Bundesgesetze zustehen oder künftig eingeräumt werden sollten.

c. Jene besonderen althergebrachten Begünstigungen welche den türkischen Unterthanen als solche für den türkischen Handel in Oesterreich zukommen.

ARTIKEL III.

Der oesterreichische Zolltarif soll unter aufrechterhaltung seines gegenwärtigen Gewichts-Zoll Systemes mit der Massgabe geregelt werden, dass der von Artikeln der Urproduktion oder der Industrie der Staaten Ihrer britischen Majestät bei deren

their importation into the Austrian States, shall, from the 1st of January, 1867, not exceed 25 per cent. of the value, with the addition of the cost of transport, insurance, and commission necessary for the importation into Austria as far as the Austrian Customs frontier; and for this purpose there shall serve as basis the average value of the articles included under one and the same denomination in each position of the future Austrian Tariff.

From and after the 1st of January, 1870, the maximum of these duties shall not exceed 20 per cent. of the value, with the additions above defined.

The articles of State monopolies (tobacco, salt, gunpowder), and further, the goods comprised in Classes 1 and 7 of the present Austrian Tariff, are excepted from these maxima.

ARTICLE IV.

Commissioners from both Governments shall meet not later than the month of March 1866, for the purpose of ascertaining and determining the values and additional charges, and they shall take as the basis of their calculations the average prices at the principal centres of production and commerce of the United Kingdom for the year 1865.

Three years after the duties fixed by Treaty shall have come into operation, each of the Contracting Parties shall have the right to claim a revision of the values.

ARTICLE V.

Those duties of the future Austrian Tariff to come into operation on the 1st of January, 1867, to which England attaches a special interest, shall form the subject of a supplementary Convention to be concluded between the two Contracting Parties.

The articles of State monopoly, as also the goods subject to fiscal duties included in Classes 1 and 7 of the present Tariff, remain also here excepted.

ARTICLE VI.

Internal imposts which are levied in the territory of one party on the production, preparation, or use of any article, whether on account of the State or on account of municipalities and corporations, shall under no pretext affect the productions of the other party in a higher or more onerous

Einfuhr in die oesterreichischen Staaten zu erhebende Zoll vom 1 Januar, 1867, angefangen 25 procent des Werthes mit Zuschlag der Transports, Versicherungs, und Commissions Spesen, welche die Einfuhr nach Oesterreich bis zur oesterreichischen Zollgrenze erfordert, nicht übersteige, und es soll dabei der durchschnittliche Werth der in jeder Position des künftigen oesterreichischen Tarifes unter einer und derselben Benennung vorkommenden Artikel zur Grundlage genommen werden.

Von und nach dem 1 Januar, 1870, soll das Maximum dieser Zölle 20 procent des Werthes sammt Zuschlag nicht übersteigen.

Ausgenommen von diesen Maximalsätzen sind die Gegenstände der Staats-Monopolien (Tabak, Kochsalz, Schiesspulver), ferner die in den Klassen 1 und 7 des gegenwärtigen oesterreichischen Tarifes enthaltenen Waaren:

ARTIKEL IV.

Zur Ermittlung und Feststellung der Werthe und des Zuschlages sollen längstens im Monate März 1866, Commissarien der beiderseitigen Regierungen zusammentreten und es sollen dabei die Durchschnittspreise der Hauptstapelplätze des vereinigten Königreiches des Jahres 1865 zur Basis dienen.

Jeder der kontrahirenden Theile soll das Recht haben, drei Jahre nachdem die vertragsmässig festgesetzten Zölle in Kraft getreten sein werden, eine Revision der Werthe zu verlangen.

ARTIKEL V.

Diejenigen Zollsätze des Künftigen, am 1 Januar, 1867, in Wirksamkeit tretenden oesterreichischen Zolltarifes, an welchen England ein besonderes Interesse hat, sollen den Gegenstand einer zwischen den beiden kontrahirenden Theilen abzuschliessenden Nachtrags-Convention bilden.

Die Gegenstände der Staats-monopole, so wie die mit Finanzzöllen belegten Waaren der Classe 1 und 7 des gegenwärtigen Zolltarifes bleiben auch hier ausgenommen.

ARTIKEL VI.

Innere Abgaben, welche in dem einen der kontrahirenden Theile, sei es für Rechnung der Staates oder für Rechnung von Communen und Corporationen auf der Hervorbringung, der Zubereitung oder dem Verbräuche eines Erzeugnisses lasten, dürfen Erzeugnisse des anderen Theiles

degree than the same productions of native origin.

unter keinem Vorwande höher oder in lästigerer Weise treffen als die gleichnamigen Erzeugnisse des eigenen Landes.

ARTICLE VII.

The Contracting Parties agree that every reduction in their Tariffs of import or export duties, and every privilege, favour, or immunity which either Contracting Party may hereafter grant to the subjects and commerce of a third Power, shall be extended immediately and unconditionally to the other Contracting Party, with a reserve, however, of the exceptions enumerated in Article II, *a* and *b*.

ARTIKEL VII.

Die kontrahirenden Mächte kommen überein, dass jede Ermässigung ihres Ein- oder Ausfuhr Zolldariffes sowie jedes Privilegium, jede Begünstigung oder Befreiung, welche einer der vertragsschliessenden Theile den Unterthanen und dem Handel einer dritten Macht zugestehen würde gleichzeitig und unbedingt dem anderen Theile zukommen soll, vorbehaltlich der im Artikel II unter *a* und *b* bezeichneten Ausnahmen.

ARTICLE VIII.

The subjects of one of the Contracting Parties shall enjoy in the dominions and possessions of the other, equality of treatment with native subjects in regard to charges on loading and unloading, to warehousing, and to the transit trade, as also in regard to bounties, facilities, and drawbacks.

ARTIKEL VIII.

Die Unterthanen des einen der vertragsschliessenden Theile, sollen in den Staaten und Besitzungen des anderen gleichmässige Behandlung mit den eingebornen Unterthanen in Beziehung auf Ein- und Ausladungsgebühren, Einlagerung, Transithandel, und ebenso in Beziehung auf Ausfuhrprämien Erleichterungen und Rückzölle geniessen.

ARTICLE IX.

The subjects of one of the two High Contracting Powers shall, in the dominions of the other, enjoy the same protection as native subjects in regard to the rights of property in trade marks, and other distinctive marks, as well as in patterns and designs for manufactures.

ARTIKEL IX.

Die Unterthanen der einen der beiden vertragsschliessenden Mächte, sollen in den Gebieten der anderen hinsichtlich des Eigenthumsrechtes an gewerblichen Marken und anderen Bezeichnungen so wie an Mustern und Modellen für Industrie-Erzeugnisse den gleichen Schutz geniessen wie die eigenen Unterthanen.

ARTICLE X.

The High Contracting Parties reserve to themselves to determine hereafter, by a special Convention, the means of reciprocally protecting copyright in works of literature and the fine arts within their respective dominions.

ARTIKEL X.

Die kontrahirenden Mächte behalten sich vor, nachträglich durch eine besondere Uebereinkunft die Mittel zu bestimmen, um den Autorsrechten an Werken der Literatur und der schönen Künste innerhalb ihrer Gebiete den gegenseitigen Schutz angedeihen zu lassen.

ARTICLE XI.

The present Treaty shall remain in force for the space of ten years, to date from the 1st of January, 1867; and in case neither of the High Contracting Powers shall have notified to the other twelve months before the expiration of the said period of ten years, the intention to put an end to its operation, the Treaty shall continue in force for another year, and so on from year to year, until the expiration of a year counting from the day on which one or other of the

ARTIKEL XI.

Der gegenwärtige Vertrag soll für den Zeitraum von zehn Jahren, vom 1 Januar, 1867, an, in Kraft bleiben, und falls keine der hohen kontrahirenden Mächte zwölf Monate vor Ablauf des besagten Zeitraumes von zehn Jahren der anderen die Absicht kundgegeben haben wird, die Wirksamkeit des Vertrages aufhören zu lassen soll derselbe für ein weiteres Jahr in Kraft bleiben und sofort vom Jahr zu Jahr bis zum Ablaufe eines Jahres von dem Tage an

High Contracting Parties shall have announced its intention to put an end to it.

The High Contracting Parties reserve to themselves the right to introduce, by common consent, into this Treaty, any modification which is not opposed to its spirit and principles, and the utility of which shall have been shown by experience.

ARTICLE XII.

The present Treaty shall be ratified, and the ratifications shall be exchanged in Vienna, in three weeks or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Vienna, this sixteenth day of December, one thousand eight hundred and sixty-five.

(L.S.) BLOOMFIELD.

gerechnet, an welchem die eine oder andere der hohen kontrahirenden Mächte ihre Absicht angekündigt haben wird, denselben aufhören zu lassen.

Die hohen vertragsschliessenden Theile behalten sich das Recht vor durch gemeinschaftliches Uebereinkommen, an diesem Verträge jede Modification vorzunehmen, welche mit dem Geiste und den Grundsätzen desselben nicht im Widerspruche stehen, und deren Nützlichkeit die Erfahrung dargethan haben wird.

ARTIKEL XII.

Der gegenwärtige Vertrag soll ratifizirt werden und es sollen die Ratifikations-Urkunden binnen drei Wochen oder wenn möglich früher, in Wien, ausgewechselt werden.

Zu Urkund dessen haben die beiderseitigen Bevollmächtigten denselben unterzeichnet und ihre Siegel begedrückt.

So geschehen zu Wien, den sechszehnten December im Jahre des Herrn Eintausend achthundert und fünf und sechszig.

(L.S.) ALEXANDER GRAF MENS-
DORFF-POUILLY, *F. M. L.*

(L.S.) BERNHARD BARON WÜL-
LERSTORF, *C. Admiral.*

Final Protocol.

UPON proceeding to the signature of the Treaty of Commerce concluded this day between Great Britain and Austria, the Plenipotentiaries of the two Powers made the following Declarations:—

I. The Plenipotentiaries of His Majesty the Emperor of Austria declared that in virtue of Article XIII of the Treaty of Customs and Contributions Union of the 23rd December, 1863, between Austria and Liechtenstein, the Treaty of Commerce concluded this day would apply equally to the Principality of Liechtenstein, and the British Plenipotentiary accepted this declaration.

II. In order to avoid any future doubt as to the intention of Article III, the Plenipotentiaries of the two Powers agreed to the following explanation:

In the construction of a Tariff of specific duties by weight within fixed *ad valorem*

Schluss Protocoll.

BEI der Unterzeichnung des am heutigen Tage zwischen Grossbritannien und Oesterreich abgeschlossenen Handelsvertrages haben die beiderseitigen Bevollmächtigten die nachfolgenden Erklärungen niedergelegt:—

I. Die Bevollmächtigten Seiner Majestät des Kaisers von Oesterreich erklärten dass der heute abgeschlossene Handelsvertrag auch für das Fürstenthum Liechtenstein Geltung habe in Uebereinstimmung mit Artikel XIII des am 23ten December, 1863, erneuerten Zoll- und Steuer - Vereins Vertrages zwischen Oesterreich und Liechtenstein; und der Grossbritannische Bevollmächtigte hat diese Erklärung angenommen.

II. Um jedem künftigen Zweifel über die Absicht des Artikels III vorzubeugen haben sich die beiderseitigen Bevollmächtigten über nachstehende Erläuterung geeignet:

Bei der Aufstellung eines Tarifes von spezifischen Gewichts - zöllen innerhalb

rates, it is necessary to determine what shall be the unit of value to which each specific duty shall be applied.

In adopting the basis of value established by Article III, it is understood that it is not intended to depart from the general principle of the Article, viz., the application of certain maximum *ad valorem* rates of duty to all articles of British produce and manufacture, but to guard against the necessity of making separate provision for every variety of each article, thereby creating minute and inconvenient subdivisions in the Tariff.

With this view it becomes necessary to group together those different qualities and descriptions of the same article or of similar articles which, from their approximation in value and general resemblance in character, it is found possible to include under one and the same denomination in one position of the Tariff.

But it is understood that in fixing the denominations in each position of the future Austrian Tariff, they shall be so arranged that the duty affixed to any one position shall not exceed the "maximum" rates fixed by Article III of the Treaty upon the average value of any kind of goods of commercial importance included under any one denomination in such position, unless by common consent it is considered expedient or necessary.

III. With reference to Article IV, the Plenipotentiaries likewise agreed that if it shall be found that the prices of any kinds of goods have been essentially disturbed by exceptional causes during the twelve months of the year 1865, the Commissioners of the two Governments shall endeavour to find such a basis of value as shall be considered to correspond to a fair average value for future years.

In the case of textile manufactures (the prices of which have been seriously deranged during the late war in the United States of America) it is agreed that if the average prices of the year 1865 be taken as a basis of value, either Contracting Party may claim a revision of such valuation after the 1st of January, 1868.

bestimmter Werthsätze ist es nothwendig die Wertheinheit zu bestimmen auf welche jeder spezifische Zoll angewendet werden soll.

Man ist darüber einverstanden dass es bei Annahme der im Artikel III festgesetzten Werthsgrundlage nicht beabsichtigt wird von dem allgemeinen Grundsatz des Artikels, nämlich, davon abzuweichen dass alle Artikel der britischen Produktion oder Industrie nur mit Zöllen belegt werden sollen, welche gewissen Maximalsätzen ihres Werthes entsprechen, sondern es soll die Nothwendigkeit vermieden werden, für alle Verschiedenheiten jedes Artikels besonders vorzusehen und dadurch kleinliche und unzukömmliche Unter-Abtheilungen des Tarifes hervorzurufen.

Im Hinblick darauf wird es nothwendig solche verschiedenen Qualitäten und Bezeichnungen desselben Artikels oder ähnlicher Artikel zusammenzufassen von denen es möglich befunden wird sie vermöge ihres annähernd gleichen Werthes und ihrer allgemeinen Gleichartigkeit unter eine und dieselbe Benennung in eine Position des Tarifes einzubeziehen.

Man ist aber darüber einverstanden dass bei der Feststellung der Benennungen des künftigen oesterreichischen Tarifes diese so eingerichtet sein sollen, dass der in jeder Position ausgesetzte Zoll den im Artikel III des Vertrages festgesetzten Maximalsatz nach dem durchschnittlichen Werthe jeder für den Handel wichtigen Gattung von Waaren, welche unter einer Benennung in diese Position einbezogen sind, nicht übersteigen soll, ausser es wäre dies durch gemeinschaftliche Uebereinstimmung für zweckmässig oder nützlich erkannt worden.

III. Zu Artikel IV ist man ebenso übereingekommen dass wenn erkannt werden sollte dass die Preise irgend einer Waarengattung durch ausserordentliche Ursachen während der zwölf Monate des Jahres 1865, wesentlich gestört worden sind, die Commissäre der beiden Regierungen trachten sollen eine derartige Werthsgrundlage für solche Waarengattungen zu finden wie sie einem billigen Durchschnittswerthe für folgende Jahre als entsprechend angesehen werden kann.

Hinsichtlich der Webe und Wirkwaren (deren Preise während des letzten Krieges in den vereinigten Staaten von Nordamerika wesentlich geändert worden sind) ist man übereingekommen dass wenn die Mittelpreise des Jahres 1865, als Werthsgrundlage angenommen werden jeder der kontrahierenden Theile nach dem 1. Januar, 1868, eine Revision der Bewerthung derselben verlangen kann.

IV. The British Plenipotentiary then declared that:

Her Britannic Majesty engages to recommend to Parliament the abolition of the duties payable on the importation of wood and timber into the United Kingdom, and also the reduction of the duties payable on wine in bottle to the amount of those payable on wine in wood upon importation into the United Kingdom.

V. The Imperial Austrian Plenipotentiaries on their part declared that:

The duty upon the export of rags from the States and Possessions of His Imperial and Royal Majesty shall, from and after the 1st of July, 1866, be reduced to two florins the Zollcentner; and that:

The duty upon the importation of salted herrings into the States and Possessions of His Imperial and Royal Majesty shall, from the 1st of February, 1866, be reduced to 50 kreutzers per Zollcentner, gross weight.

In witness whereof the Undersigned Plenipotentiaries have drawn up the present Protocol in duplicate form, to which, after it had been duly read, they affixed their signatures.

Vienna, this 16th day of December, 1865.

(L.S.) BLOOMFIELD.

IV. Der königliche grossbritannische Bevollmächtigte erklärte ausserdem:

Ihre britische Majestät verpflichtet sich dem Parlamente die Abschaffung der für die Einfuhr von Werk und Bauholz in das vereinigte Königreich zu zahlenden Zölle, und ebenso die Ermässigung der für Wein in Flaschen zu zahlenden Zölle auf den Betrag der auf Wein in gebunden bei der Einfuhr in das vereinigte Königreich zu entrichtenden Zölle zu empfehlen.

V. Die kaiserlichen oesterreichischen Bevollmächtigten erklärten ihrerseits:

Der Zoll auf die Ausfuhr von Hadern aus den Staaten und Besitzungen Seiner Kaiserlichen Königlichen Majestät soll von und nach den 1 Juli, 1866, auf 2 Gulden per Centner herabgesetzt werden.

Der Zoll auf die Einfuhr von gesalzenen Häringen in die Staaten und Besitzungen Seiner Kaiserlichen Königlichen Majestät wird vom 1ten Februar, 1866, angefangen auf 50 Kreuzer per Centner sporco herabgemindert.

Zu Urkund dessen haben die Unterzeichneten Bevollmächtigten das gegenwärtige Protokoll in doppelten Ausfertigung aufgenommen und dasselbe nach erfolgter Vorlesung vollzogen.

Wien, den 16ten December, 1865.

(L.S.) ALEXANDER GRAF MENS-
DORFF-POUILLY, *F. M. L.*

(L.S.) BERNHARD BARON WÜL-
LERSTORF, *C. Admiral.*

AUSTRIA.

TREATY OF COMMERCE between Her Majesty and
the Emperor of Austria.

With the Final Protocol.

Signed at Vienna, December 16, 1865.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1866.*

LONDON:

PRINTED BY HARRISON AND SONS.

PAPERS

RESPECTING THE

RENEWAL OF DIPLOMATIC RELATIONS

WITH

BRAZIL.

Presented to both Houses of Parliament by Command of Her Majesty.
1866.

LONDON:
PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.									Page
1.	Count Lavradio to Earl Russell.	..	..	..	..	..	June	26, 1863	1
2.	Earl Russell to Count Lavradio.	..	..	..	..	..	June	27, —	1
3.	Count Lavradio to Earl Russell.	..	..	..	..	..	May	6, 1864	1
4.	Count Lavradio to Earl Russell.	..	..	..	..	..	May	27, —	2
	One Inclosure.								
5.	Earl Russell to Count Lavradio.	..	..	..	..	..	June	6, —	6
	One Inclosure.								
6.	Count Lavradio to Earl Russell.	..	..	..	..	..	June	7, —	7
7.	Count Lavradio to Earl Russell.	..	..	..	..	..	September	14, —	7
8.	Earl Russell to Count Lavradio.	..	..	..	..	..	October	10, —	9
9.	Count Lavradio to Earl Russell.	..	..	..	..	..	October	14, —	13
10.	Count Lavradio to Earl Russell.	..	..	..	..	..	February	2, 1865	14
11.	Earl Russell to Count Lavradio.	..	..	..	..	..	February	7, —	15
12.	Count Lavradio to Earl Russell.	..	..	..	..	..	February	8, —	17
13.	Count Lavradio to Earl Russell.	..	..	..	..	..	April	27, —	17
14.	Earl Russell to Count Lavradio.	..	..	..	..	..	May	4, —	18
15.	Count Lavradio to Earl Russell.	..	..	..	..	..	May	5, —	18
16.	Count Lavradio to Earl Russell.	..	..	..	..	..	July	21, —	18
	One Inclosure.								
17.	Earl Russell to Count Lavradio.	..	..	..	..	..	July	26, —	19
18.	Earl Russell to Mr. Lytton	..	..	..	..	..	July	27, —	20
19.	Earl Russell to Mr. Thornton	..	..	..	..	..	July	28, —	20
20.	Earl Russell to Mr. Thornton	..	..	..	..	..	July	28, —	21
21.	Mr. Lytton to Earl Russell	..	..	..	..	..	July	30, —	21
	One Inclosure.								
22.	Earl Russell to Mr. Lytton	..	..	..	..	..	August	14, —	22
23.	Mr. Lytton to Earl Russell	..	..	..	..	..	August	17, —	22
	Three Inclosures.								
24.	Mr. Lytton to Earl Russell	..	..	..	..	..	September	16, —	23
	One Inclosure.								
25.	Mr. Thornton to Earl Russell	..	..	..	..	..	September	12, —	24
26.	Earl Russell to Mr. Thornton	..	..	..	..	..	October	28, —	24
27.	Mr. Thornton to Earl Russell	..	..	..	..	..	September	26, —	24
	Six Inclosures.								
28.	The Earl of Clarendon to Mr. Thornton	..	..	..	..	..	November	6, —	28
29.	Mr. Thornton to Earl Russell	..	..	..	..	..	October	23, —	28
30.	The Earl of Clarendon to Mr. Thornton	..	..	..	..	..	November	20, —	28
31.	Mr. Thornton to Earl Russell	..	..	..	..	..	November	3, —	29
32.	Mr. Thornton to Earl Russell	..	..	..	..	..	November	7, —	29
33.	The Earl of Clarendon to Mr. Thornton	..	..	..	..	..	December	6, —	29
34.	Mr. Thornton to Earl Russell	..	..	..	..	..	November	20, —	29
	Two Inclosures.								
35.	Mr. Thornton to Earl Russell	..	..	..	..	..	November	21, —	30
	One Inclosure.								
36.	The Earl of Clarendon to Mr. Thornton	..	..	..	..	..	December	21, —	31

Papers respecting the Renewal of Diplomatic Relations with Brazil.

No. 1.

Count Lavradio to Earl Russell.—(Received June 27.)

My Lord,

London, June 26, 1863.

IN accordance with the desire expressed by your Excellency, I have now the honour to repeat to you in writing what I stated yesterday verbally:—

“I have received orders from my Government to communicate to your Excellency that the Government of His Most Faithful Majesty, in a despatch addressed on the 12th of June instant to the Minister of Portugal at the Court of Rio de Janeiro, ordered him to make known to the Government of the Emperor of Brazil the desire which the King of Portugal felt to co-operate towards the reconciliation of the Government of Brazil with that of Her Britannic Majesty.”

In conveying to your Excellency's knowledge this resolution of my Government, I entertain the most sincere and fervent hopes that the good offices of my august Sovereign may conduce to a speedy reconciliation of two Sovereigns the most intimate allies of Portugal.

I avail, &c.
(Signed) LAVRADIO.

No. 2.

Earl Russell to Count Lavradio.

M. le Comte,

Foreign Office, June 27, 1863.

I AM much obliged to you for your communication of yesterday, and shall be happy to find the good offices of Her Majesty's faithful ally the King of Portugal successful in restoring amicable relations between Great Britain and Brazil.

I am, &c.
(Signed) RUSSELL.

No. 3.

Count Lavradio to Earl Russell.—(Received May 9.)

My Lord,

*Legation of His Most Faithful Majesty,
London, May 6, 1864.*

HIS Majesty the Emperor of Brazil having accepted the offer of good offices made to him on the part of His Most Faithful Majesty my august Sovereign, for the renewal of diplomatic relations between the Courts of Brazil and Great Britain, an offer similar to that already made to Her Britannic Majesty, and by her accepted, as appears from the note which your Excellency did me the honour to address to me on the 27th June last year, I have now the honour to acquaint your Excellency that the King my august Sovereign has been pleased, in his character of mediator, accepted by the two august

Sovereigns, to charge me with the negotiation which must precede the renewal of diplomatic relations between the Courts of Brazil and Great Britain.

Requesting that your Excellency will be pleased to appoint a day and hour when you will be able to do me the honour of receiving me, I have, &c.

(Signed) LAVRADIO.

No. 4.

Count Lavradio to Earl Russell.—(Received May 30.)

My Lord,

Londres, ce 27 Mai, 1864.

POUR faciliter ou pour abrégier notre négociation autant que possible, j'ai rédigé le memorandum ci-joint, que je prends la liberté de soumettre à votre Excellence, en la priant de vouloir bien me communiquer ses observations avant le 9 Juin prochain, pour que mon Gouvernement puisse en avoir connaissance avant le départ du paquebot du Brésil qui doit passer par Lisbonne vers le 12 ou le 13 du mois prochain.

J'ai, &c.

(Signé) LAVRADIO.

(Translation.)

My Lord,

London, May 27, 1864.

IN order to facilitate or abridge our negotiations as much as possible, I have drawn up the inclosed Memorandum, which I take the liberty of submitting to your Excellency, begging at the same time that you will have the goodness to communicate to me your observations thereupon before the 9th of June next, in order that they may be brought to the knowledge of my Government before the departure of the Brazil packet which will call at Lisbon about the 12th or 13th of next month.

I have, &c.

(Signed) LAVRADIO.

Inclosure in No. 4.

Memorandum.

LE Roi de Portugal ayant offert ses bons offices aux Gouvernements du Brésil et d'Angleterre pour le rétablissement des relations diplomatiques malheureusement interrompues entre ces deux Etats, et l'offre amicale du Roi de Portugal ayant été acceptée avec empressement par les deux Gouvernements, nous avons la conviction qu'ils sont tous les deux sincèrement et également désireux de voir rétablis leurs anciens rapports d'amitié, et que la tâche du médiateur, intime allié des deux Puissances, sera aussi facile qu'agréable.

Les faits qui ont précédé et motivé l'interruption des relations diplomatiques entre les deux Gouvernements étant assez bien connus, il nous suffira de citer dans ce memorandum ceux de ces faits qui nous paraîtront absolument nécessaires pour établir les bases d'une proposition de conciliation fondée sur la justice et sur le droit, et qui soit également honorable pour les deux Etats.

Au mois de Juin de 1861, une barque Anglaise " Prince of Wales " fit naufrage sur la côte du Brésil, et après les investigations faites par les autorités locales, avec l'assistance et la co-opération du Consul Anglais, on n'a pas pu retrouver que quelques débris du navire naufragé, et quelques caisses et barriques vides, et enfin, ce qui est plus à déplorer, les cadavres d'une partie des malheureux naufragés. Le Consul Anglais ayant cependant cru reconnaître que non seulement la cargaison du bâtiment avait été, après le naufrage, pillée, mais que les malheureux dont les cadavres avaient été retrouvés, avaient péri victimes, non pas du naufrage, mais d'un crime, fit, dans ce sens, ses rapports à son Gouvernement.

Le Gouvernement Britannique partagea les convictions de son Agent. De son côté le Gouvernement Brésilien paraît avoir employé tous les moyens légaux, soit pour vérifier l'existence du crime, soit pour se saisir des criminels s'ils s'en trouvaient. Mais comme les recherches faites par ordre du Gouvernement Brésilien n'eussent pas produit le résultat

auquel s'attendait le Gouvernement Britannique, celui-ci crut devoir réclamer du Gouvernement Brésilien une certaine somme d'argent suffisante pour compenser les pertes provenant du pillage supposé, et pour soulager les familles de ceux que l'on croyait avoir été assassinés.

Le Gouvernement Brésilien cependant ne voulant pas considérer sa responsabilité engagé dans des faits qui, quand même son existence serait prouvée, il n'aurait pas pu prévenir, se refusa à admettre la justice des réclamations présentées par le Gouvernement Anglais.

Plus tard un autre fait imprévu vint compliquer la situation déjà peu agréable où se trouvaient les deux Gouvernements depuis le malheureux naufrage du "Prince of Wales."

Le 17 Juin de l'année 1862 trois officiers appartenant à la frégate de guerre Anglaise la "Forte," qui se trouvait dans le port de Rio de Janeiro, accusés d'avoir troublé la tranquillité publique, furent arrêtés. Cette arrestation fut considérée par les agents Britanniques résidents à Rio de Janeiro comme une offense faite au pavillon Britannique, et on demanda une satisfaction. Le Gouvernement Brésilien cependant, convaincu de ce que dans l'arrestation des trois officiers on avait procédé selon les réglemens de police, et qu'il n'y avait pas eu d'offense, se refusa à accorder la réparation demandée.

Le Gouvernement Britannique se croyant donc offensé de ces deux refus, et n'ayant pas l'espoir d'en obtenir une réparation par les moyens ordinaires, se décida à recourir à des représailles.

En effet le port de Rio de Janeiro fut bloqué par des batiments de guerre Anglais. Cinq batiments marchands Brésiliens furent capturés, et conduits dans la Baie das Palmas, à quelques milles de Rio de Janeiro.

Le Gouvernement Brésilien reconnaissant que la prolongation d'un tel état de choses serait désastreux pour son commerce, accepta les propositions qui lui furent faites par la Légation Anglaise pour la cessation des représailles. Il se prêta donc à payer, sous protêt, la somme qui lui serait demandée par le Gouvernement Anglais, en soumettant la question de l'arrestation des trois officiers de la "Forte" à un jugement arbitral.

La somme exigée fut payée, et l'affaire de la "Forte" fut soumise au jugement du Roi des Belges, qui déclara par sa sentence du 18 Juin, 1863, que dans la manière dont les lois Brésiliennes furent appliquées aux officiers Anglais il n'y avait pas eu ni préméditation d'offense, ni offense, envers la marine Britannique.

Cependant, avant la publication de la sentence du Roi des Belges, le Gouvernement Britannique ayant refusé d'accéder à certaines propositions que l'Envoyé du Brésil à Londres lui avait présenté, celui-ci demanda ses passeports, après avoir déclaré interrompues ses relations avec le Gouvernement de Sa Majesté Britannique.

Ayant exposé, nous le croyons, avec impartialité, les faits, que nous avons extraits des documents présentés au Parlement Anglais, nous demandons maintenant la permission de faire sur ces faits quelques observations qui nous semblent nécessaires pour expliquer ce que nous proposons de soumettre au Gouvernement de Sa Majesté Britannique afin d'obtenir la reconciliation des deux Gouvernements Britannique et Brésilien, qui tous les deux ont accepté la médiation qui leur a été offerte par le Roi de Portugal.

Ce n'est pas notre intention d'examiner si le Gouvernement Anglais avait oui ou non le droit de faire des représailles ; nous nous bornerons simplement à citer quelques uns des faits qui les ont accompagnées, et qui nous ont paru peu réguliers.

Le Gouvernement de Sa Majesté Britannique ordonna que l'on fit des représailles, mais n'ayant pas déclaré la guerre au Brésil, les représailles ne pouvaient pas être précédées ni suivies d'un blocus, acte qui selon le droit des gens ne peut pas avoir lieu qu'après la déclaration de la guerre, et qui en outre doit être préalablement annoncé.

Nous devons aussi observer que les cinq batiments Brésiliens capturés ayant été conduits dans la Baie das Palmas, qui fait partie du territoire Brésilien, et y ayant été gardés par des batiments de guerre Anglais, un tel fait constitue indubitablement une violation de territoire.

Une autre observation que nous croyons très importante. Les représailles ont eu pour objet non seulement le paiement de la somme réclamée par rapport à l'affaire de la barque "Prince of Wales," mais aussi par rapport à la réparation de l'offense supposée de l'arrestation des trois officiers de la "Forte." Mais la sentence du Roi des Belges ayant déclaré que dans l'arrestation des officiers il n'y avait pas eu d'offense, il est évident que pour que la sentence arbitrale ne reste pas lettre morte, et soit loyalement exécutée, il appartient au Gouvernement Anglais, reconnu offensé et non offensé, d'exprimer le regret des actes pratiqués pour venger une offense qui n'a pas existé.

Il nous semble aussi de rigoureuse justice que les dommages résultants de la saisie des batiments soient réparés.

Conclusion.

Nous croyons donc que pour obtenir une réconciliation juste, solide, et pleine entre les deux Gouvernements Anglais et Brésilien, il est à désirer que par une note adressée au Plénipotentiaire de la Puissance Médiatrice le Gouvernement Britannique s'engage à envoyer un Ministre Plénipotentiaire à la Cour du Brésil chargé :

1. D'assurer que le Gouvernement Britannique n'a jamais eu l'intention d'offenser la dignité ni de violer la souveraineté territoriale de l'Empire du Brésil.

2. Que résultant de la sentence du Roi des Belges que dans l'arrestation des trois officiers de la frégate "Forte," il n'y avait pas eu ni intention d'offense ni offense à la Marine Britannique, le Gouvernement de Sa Majesté Britannique déclare qu'il regrette tous les actes qui ont été pratiqués pour venger une offense qui n'a jamais existé.

3. Que le Gouvernement de Sa Majesté déclare aussi qu'il regrette quelques uns des faits qui ont accompagné les représailles.

4. Que le Gouvernement Anglais admet que les réclamations des dommages provenant de la saisie des cinq batiments Brésiliens soient soumises à une Commission Mixte Anglo-Brésilienne, ou à une liquidation arbitrale.

Londres, le 27 Mai, 1864.

(Translation.)

THE King of Portugal having offered his good offices to the Governments of Brazil and England, with a view to the re-establishment of the diplomatic relations which are, unfortunately, suspended between those two States, and the friendly offer of the King of Portugal having been eagerly accepted by the two Governments, we are convinced that they are both equally and sincerely desirous of seeing their former friendly connection re-established, and that the task of the intimate ally of the two Powers, as mediator, will be as easy as it will be agreeable.

The facts which preceded and gave rise to the suspension of diplomatic relations between the two Governments being tolerably well known, it will be sufficient for us to call attention, in this Memorandum, to those facts only which may seem to us to be absolutely necessary for the establishment of the bases of a conciliatory proposition founded on law and justice, and which may be at the same time equally honourable for both States.

In the month of June, 1861, an English barque, the "Prince of Wales," was wrecked on the coast of Brazil, and notwithstanding the investigations made by the local authorities with the assistance and co-operation of the English Consul, some fragments only of the shipwrecked vessel and a few empty chests and casks were found, and, what is more to be lamented, the bodies of a portion of the unfortunate crew. The English Consul having come to the conclusion that not only had the cargo of the vessel been pillaged subsequently to its being wrecked, but also that those whose bodies had been recovered had died not from the effects of the shipwreck but by violence, made a report to this effect to his Government.

The British Government came to the same conclusion as its agent. The Brazilian Government appears to have used all legal means to verify the existence of the crime, if crime there was, and to reach the criminals if there were such. But as the investigations which were instituted by order of the Brazilian Government did not produce the result which the British Government expected, the latter considered it to be its duty to demand of the Brazilian Government a certain sum of money sufficient to compensate the losses arising from the supposed pillage, and to relieve the families of those who were supposed to have been murdered.

The Brazilian Government, not considering itself responsible for facts which, even if proved to exist, it would not have been able to prevent, refused to admit the justice of the demands advanced by the English Government.

Subsequently another unforeseen event further complicated the awkward situation in which the two Governments had been placed since the unfortunate wreck of the "Prince of Wales."

On the 17th of June, 1862, three officers belonging to the English frigate "Forte," which was then in the port of Rio de Janeiro, were arrested on the charge of disturbing the public peace. The resident British agents at Rio considered this arrest to be an insult to the British flag, and demanded satisfaction. The Brazilian Government, however, being convinced that the arrest of the three officers had been carried out in accordance with the police regulations, and that no insult had been offered, refused to grant the reparation demanded.

The British Government considering that the insult was conveyed by these two refusals, and despairing of obtaining reparation by ordinary means, determined to have recourse to reprisals.

The port of Rio de Janeiro was therefore blockaded by English vessels of war. Five Brazilian merchant-vessels were captured and taken to the Bay of Palms, some miles from Rio de Janeiro.

The Brazilian Government seeing that the prolongation of such a state of things would be disastrous to its commerce, accepted the proposals for the cessation of reprisals made by the English Legation. It therefore consented to pay, under protest, the amount which might be demanded by the English Government, the question of the arrest of the three officers of the "Forte" to be submitted to arbitration.

The sum demanded was paid, and the affair of the "Forte" was submitted to the arbitration of the King of the Belgians, who declared, in his decision of the 18th June, 1863, that in the manner in which the Brazilian laws had been applied to the case of the English officers no insult had been either intended or offered to the British Navy.

But before the publication of the decision of the King of the Belgians, the British Government having refused to accede to certain proposals which the Brazilian Envoy in London had submitted to them, he demanded his passports, after having declared his relations with the Government of Her Britannic Majesty to be suspended.

Having thus, as we believe impartially, stated the facts, which we have taken from the Papers presented to English Parliament, we now beg leave to make some observations on those facts which seem to us necessary to explain what we propose to submit to the Government of Her Britannic Majesty, in order to effect the reconciliation of the British and Brazilian Governments, who have both accepted the mediation offered them by the King of Portugal.

It is not our intention to inquire whether the English Government had or had not the right to make reprisals. We will only draw attention to some of the facts incidental to those reprisals, and which appeared to us far from regular.

Her Britannic Majesty's Government ordered reprisals to be made; but, not having declared war upon Brazil, the reprisals could neither be preceded nor followed by a blockade—an act which, according to international law, can only take place after the declaration of war, and which moreover must be previously announced.

We must also observe that the fact of the five Brazilian vessels which were captured, having been taken to the Bay of Palms, which is part of the Brazilian territory, and having been there guarded by English vessels of war, undoubtedly constitutes a violation of territory.

There is also another observation which we consider very important. The reprisals were effected with a view to obtain payment, not only of the sum demanded in the case of the barque "Prince of Wales," but also to obtain reparation for the supposed insult arising out of the arrest of the three officers of the "Forte." But the sentence of the King of the Belgians having declared that no insult had been offered by the arrest of the officers in question, it is evident that, in order that the sentence of arbitration should not remain a dead letter, and that it may be faithfully carried out, it is the duty of the English Government, which has been declared the offending and not the offended party, to express regret for the acts perpetrated to resent an insult which never existed.

It also seems to us to be but an act of common justice that reparation should be made for the losses arising out of the seizure of the vessels.

Conclusion.

We therefore think that in order to obtain a just, palpable, and full reconciliation between the English and Brazilian Governments, it is desirable that the British Government should, in a note addressed to the Plenipotentiary of the mediating Power, undertake to send a Minister Plenipotentiary to the Court of Brazil, charged with the following mission:—

1. To assure the Brazilian Government that the British Government never intended to offend the dignity nor to violate the territorial sovereignty of the Empire of Brazil.
2. That whereas by the sentence of the King of the Belgians in the case of the arrest of the three officers of the "Forte," no insult had either been intended or offered to the British navy, Her Britannic Majesty's Government declare that they regret all the acts which were perpetrated in order to resent an insult which never existed.
3. That Her Majesty's Government also declare that they regret some of the events which accompanied the reprisals.
4. That the English Government consent that the claims for losses arising out of the

seizure of the five Brazilian vessels should be submitted to a Mixed Anglo-Brazilian Commission, or to liquidation by means of arbitration.

London, May 27, 1864.

No. 5.

Earl Russell to Count Lavradio.

M. le Ministre,

Foreign Office, June 6, 1864.

I HAVE the honour to send you a memorandum in reply to your memorandum transmitted to me in your letter of the 27th ultimo, and to request that you will lay the memorandum which I inclose before the Government of His Faithful Majesty.

I am, &c.

(Signed) RUSSELL.

Inclosure in No. 5.

Memorandum.

IN June 1861 the barque "Prince of Wales" was wrecked on the coast of Brazil. For some days the vessel was seen entire, like a ship at anchor in the bay. Of the boats found on the shore the long-boat alone was broken at the prow, apparently from striking on the sands, whilst the gig was in a perfect state. The oars of both were found with them as if men had landed from them. Many of the cases which had contained goods were found dry as if they had been carried, not washed, on shore. Some articles were found in the house of Senhor Soares, the Justice of the Peace of the district. Ten persons, including two women, were in the ship when she was lost. When the Consul visited the place a few days afterwards, he asked what had become of these persons. No answer was given. He asked for an inquest on the bodies; it was refused by the Municipal Judge, and the Consul had reason to believe that any attempt to make further inquiry would be resisted by force. Frivolous excuses, such as the force of the wind which threw up the sand in heaps in various places were given for not producing the bodies of the crew. Some time afterwards four bodies, greatly disfigured, and in a state of decomposition, were produced at Rio Grande do Sul. Rumour ran that the ship's company had been foully murdered. This belief gained ground, and was supported by the highest degree of probability. The British Government called the Brazilian Government to account for the negligence or timidity of their officials in declining an investigation when alone it could have been productive of results. The Justice of the Peace of the district suspected of being concerned in the plunder of the wreck was not arrested or examined, and after many months of delay, and after giving the Brazilian Government every opportunity for a full investigation of the facts of the case, reprisals were ordered. They were executed without violence and with very trifling pecuniary loss to the persons whose ships were temporarily seized.

I omit all details of the case of the "Forte." British officers of Her Majesty's navy thought themselves insulted. The King of the Belgians, whose arbitration was accepted, declared that in the mode in which Brazilian law had been applied, "there was neither premeditation of offence nor offence" to the British navy.

The demand in the case of the "Prince of Wales" was satisfied by the payment of 3,200*l.* as indemnity to Her Majesty's Government by the Government of Brazil.

In the course of reprisals it appears that the British Admiral, in order to avoid loss to the owners of the ships detained, kept them in his custody in Brazilian waters.

This was technically a violation of Brazilian territory, though it was in fact a proceeding far more lenient in its practical effect than if the vessels taken had been carried to Jamaica or Bermuda. However, Her Majesty's Government are quite ready to state to the Government of Brazil that this temporary use of the territorial waters of Brazil was prompted solely by a consideration for the interests of the owners of the vessels and cargoes detained, and did not arise from any desire or intention to infringe upon the territorial rights of the Emperor of Brazil. But Her Majesty's Government cannot admit that because the King of the Belgians gave an award in favour of Brazil in the case of the officers of the "Forte," there is any reason for expressing regret on account of the reprisals

ordered and executed. These reprisals were fully justified by the evasions and delay attending the inquiry into the facts respecting the crew of the "Prince of Wales." The reprisals ceased when the Brazilian Government agreed to pay the amount which the British Government should require in the case of the "Prince of Wales," and to refer the case of the officers of the "Forte" to arbitration.

Her Majesty's Government had demanded the payment of a proper compensation in the case of the "Prince of Wales" and the dismissal of an officer and punishment of a sentinel, as well as an apology on the part of the Brazilian Government in the case of the officers of the "Forte."

These demands were finally settled,—

1. By the payment of the sum demanded by the British Government in the case of the "Prince of Wales."

2. By the relinquishment of the demands made by the British Government in the case of the officers of the "Forte," in consequence of the award of the King of the Belgians.

The diplomatic relations between Great Britain and Brazil were broken off by Brazil and not by the British Government, and Her Majesty's Government have declared that they were perfectly ready at any time to renew those relations. If those relations are to be renewed, it would properly be for the party which took the first step in the rupture, to take the first step in the reconciliation; but Her Majesty's Government are willing to advise Her Majesty to send an Envoy and Minister Plenipotentiary to Brazil on the clear understanding that a Brazilian Minister shall simultaneously be despatched from Rio to London.

The British Envoy would be instructed to state to the Brazilian Government on his arrival at Rio, that although the temporary detention of the Brazilian vessels in Palmas Bay was technically a temporary and unauthorized use of the territorial waters of Brazil, it was prompted solely by consideration for the interests of the owners of the ships and cargoes detained, seeing that those interests would have more materially suffered if the ships had been carried elsewhere, and the British Envoy will further say that this temporary use of those Brazilian waters did not arise from any desire or intention to infringe upon the territorial rights of the Emperor of Brazil.

The Envoy would further be instructed to declare that it is the wish and intention of Her Majesty's Government, while duly protecting the lives and property of Her Majesty's subjects resident in Brazil, to pay due respect to the rights of sovereignty of the Emperor of Brazil, and to cultivate with the Brazilian Government the relations of amity and good will.

Should the Emperor of Brazil be willing on these terms to restore diplomatic relations, Her Majesty will name a Minister to the Court of Rio Janeiro, who will give the foregoing explanations, on the understanding that His Majesty the Emperor of Brazil will at the same time appoint an Envoy to reside at Her Majesty's Court.

(Signed) RUSSELL.

No. 6.

Count Lavradio to Earl Russell.—(Received June 9.)

Excellency,

London, June 7, 1864.

I HAVE the honour to acknowledge the receipt of the letter which your Excellency addressed to me yesterday, the 6th instant, together with the memorandum inclosed, which I am about to transmit, without delay, to the Government of His Most Faithful Majesty.

I have, &c.
(Signed) LAVRADIO.

No. 7.

Count Lavradio to Earl Russell.—(Received September 17.)

(Translation from the Portuguese.)

London, September 14, 1864.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty to Her Britannic Majesty, in virtue of the orders which he has received from his Government, has the honour to communicate to his Excellency the Earl Russell, Principal Secretary to Her Britannic Majesty in the Department of Foreign Affairs:—

That the Government of His Most Faithful Majesty lost no time in transmitting to the Government of His Majesty the Emperor of Brazil the Memorandum which on the 6th of June of the present year his Excellency the Earl Russell addressed to the Undersigned, in answer to the Memorandum, which on the 27th of May last, the Undersigned had the honour to deliver to his Excellency ;

That the Government of His Majesty the Emperor of Brazil, after having scrupulously examined the Memorandum of Earl Russell, found that it could not, without serious injury to the dignity of the empire and to the interests of its subjects, accept the conditions proposed by Earl Russell for the re-establishment of diplomatic relations between the Empire of Brazil and the United Kingdom of Great Britain and Ireland ;

That the Government of His Most Faithful Majesty, having examined with due impartiality the reasons alleged by the Brazilian Government for not accepting the conditions offered by the British Government, finds them to be based on sound principles of right.

But His Most Faithful Majesty, ardently desiring to promote, as far as lies in his power the speedy and firm reconciliation of his two august and intimate allies, and having full confidence in the feelings of justice entertained by the Government of Her Britannic Majesty, has ordered the Undersigned again to call the attention of the Government of Her Britannic Majesty to the conditions for the reconciliation of the two Governments set forth in the Memorandum of the 27th of May last, already referred to, and to some of which the Undersigned begs leave to remark that Earl Russell has not replied, nor even mentioned them in his Memorandum of the 6th June.

The Undersigned, in his character of Plenipotentiary of the august mediator, submitted in his Memorandum of the 27th of May three conditions, the acceptance of which he considered, and still considers, essential in order to re-establish properly the diplomatic relations between the Governments of Brazil and of Great Britain.

The Undersigned begs leave to recapitulate those conditions, and to examine, shortly, the manner in which they were considered by his Excellency Earl Russell in his Memorandum of the 6th of June.

First Condition. Satisfaction for the deeds which accompanied the execution of the reprisals.

Second. Complete fulfilment of the award declared by the King of the Belgians.

Third. Indemnification to Brazilian commerce for the losses and injuries arising from the capture and detention of five merchant-vessels by the British naval force.

In referring to the reprisals which the Government of Her Britannic Majesty ordered to be made, the Undersigned never admitted nor disputed the right of the British Government's proceedings.

The Undersigned, not considering himself competent to treat of this question, abstained from entering upon its examination, and confined himself to that of the deeds which accompanied the execution of the reprisals ; and, the Undersigned finding that in this execution acts were done which, even if necessary, could only be considered lawful after a declaration of war—such as the blockade of the port of Rio de Janeiro, the taking of the ships in the territorial waters, the placing of them in a Brazilian port, and some others—the Undersigned could not fail to characterise such deeds as offences against the Brazilian Government which laid the British Government under the obligation of giving it satisfaction.

It is true that Earl Russell in his Memorandum, acknowledging the violation of the territorial waters, tries to excuse the fact with civil explanations, and with a declaration that it did not proceed from the desire nor from the intention of infringing the territorial rights of the Emperor of Brazil. The Undersigned accepts with thanks this declaration, which he believes sincere, but he regrets that his Excellency should not have made it in a more explicit manner ; an omission which his Excellency may easily remedy now.

In regard to the second condition submitted by the Undersigned, the fulfilment of the award declared by the King of the Belgians, the Undersigned can by no means agree with his Excellency in considering that award completely fulfilled by the simple cessation of the preceding reclamations of the British Government. If the Government of Her Britannic Majesty had not ordered any act to be done, or if no act had really been done to redress the supposed offence to the British navy, the opinion expressed by Earl Russell would be just and unquestionable ; but his Excellency, by referring to his despatches of the 4th and 8th of December, 1862, addressed to the Envoy of Her Britannic Majesty at the Court of Rio de Janeiro, cannot fail to perceive that he ordered that the reprisals should be made, not only with reference to the vessel the "Prince of Wales," but also with reference to the imprisonment of the officers of the frigate "Forte."

As it is then undoubtedly the case, considering the two documents referred to, and

others which the Undersigned could refer to, and which were presented to the two Houses of Parliament, that the reprisals made by the British naval force in Brazil had for their objects to redress, not only certain matters respecting the shipwreck of the "Prince of Wales," but those respecting the imprisonment of the three officers belonging to the frigate "Forte;" and as it is moreover certain that the award of the King of the Belgians declared that in applying the laws of Brazil there had been no intention of offence, nor offence, to the British navy, it must be concluded that the award cannot be considered as fulfilled, inasmuch as the Government of Her Britannic Majesty does not express to the Government of His Majesty the Emperor of Brazil its regret at having done acts for the redress of an offence which had not existed.

As to the third condition, the indemnification of Brazilian commerce for the losses and injuries from the capture and detention of five merchant-vessels by the British naval force, Earl Russell has not gone so far as to mention it in his Memorandum; but, nevertheless, the Undersigned cannot omit the fulfilment of his duty of urging again the acceptance of this third condition; because, upon well examining the facts, its justice is incontestable. The Government of Her Britannic Majesty gave orders to make reprisals; the British naval force captured five merchant-ships; these ships were restored as soon as the Brazilian Government undertook to pay to the British Government a certain sum; this sum was punctually paid, and by this payment were satisfied all the British pecuniary claims which occasioned the reprisals.

Such being the case, the Undersigned makes bold, with due respect, to ask Earl Russell, can the Government of Her Britannic Majesty, without ignoring the principles of justice, which the Undersigned can never suspect, refuse to acknowledge the right which the owners or freighters of the merchant-ships captured and detained by violence have to claim from the British Government an equitable indemnification for the losses and injuries which they suffered,—as it is certain that the British Government received from the Brazilian Government, with the greatest promptitude, the whole of the sum which it claimed?

The Undersigned in renewing, by order of his Government, the propositions which in his Memorandum he has already had the honour of submitting to Earl Russell, considers it his duty to declare to his Excellency that, from the information which he has, he is convinced that the Government of His Majesty the Emperor of Brazil, notwithstanding the great and sincere desire which it has to see its relations of perfect amity re-established with the Government of Her Britannic Majesty, cannot withal lend itself to this re-establishment without the previous acceptance, on the part of the Government of Her Britannic Majesty, of the conditions submitted in the Memorandum of the 27th of May and renewed in the present note.

The continuation of the interruption of the diplomatic relations between Brazil and Great Britain is extremely hurtful to the interests of the two States, whose commercial relations are most important, but which may suffer grave and perhaps fatal changes if the reconciliation of the two Governments be indeterminately retarded. The Undersigned appeals, then, to the principles of justice of Her Britannic Majesty's Government, and even to the legitimate interests of British subjects, to obtain, for the advantage of the two Governments, the acceptance of his proposition, which is as just as it is moderate; thus rendering fruitful and glorious the mediation of his august Sovereign, who with the greatest impartiality has succeeded in conciliating his two august and most intimate allies.

The Undersigned, &c.

(Signed)

LAVRADIO.

No. 8.

Earl Russell to Count Lavradio.

Foreign Office, October 10, 1864.

THE Undersigned, &c., has learnt with regret from the note dated the 14th ultimo, which he has had the honour to receive from Count Lavradio, &c., that the Government of the Emperor of Brazil has declined to accept the conditions proposed by the Undersigned for the re-establishment of diplomatic relations between the Empire of Brazil and the United Kingdom.

The Undersigned still further regrets that the Government of His Most Faithful Majesty having examined the reasons alleged by the Brazilian Government for not accepting the conditions offered by the British Government, which reasons, however, have not been distinctly explained by Count Lavradio, finds them based on sound principles of right.

But Her Majesty's Government feel satisfied that the Government of His Most Faithful Majesty, on examining further the conditions set forth in the British Memorandum of the 6th of June, will be convinced that Her Majesty's Government could not make further concessions without departing from principles which Her Majesty's Government deem to be universally acknowledged as principles of international right.

The conditions which the Minister of His Most Faithful Majesty recapitulates in his present note as those which Her Majesty's Government are required to accept are—

1st. That satisfaction be given to Brazil for the acts which accompanied the execution of the reprisals.

2ndly. That the award declared by the King of the Belgians be completely fulfilled by the British Government.

3rdly. That indemnification be granted by Great Britain to Brazilian commerce for the losses and injuries arising from the capture and detention of five merchant-vessels by the British naval force.

In treating this question the Minister of His Most Faithful Majesty says, "in referring to the reprisals which the Government of Her Britannic Majesty ordered to be made, the Undersigned never admitted nor disputed the right of the British Government in its proceedings."

The Undersigned will therefore omit all discussion of this clear and unquestionable right, and will confine himself to the acts which accompanied the execution of the reprisals.

It may be remarked that the Brazilian Minister in making on the 5th of May, 1863, his appeal for satisfaction, took substantially the same ground as that now taken by the Minister of His Faithful Majesty, and, excepting the reference to the award of the King of the Belgians, the demand now made by Count Lavradio is only a renewal and amplification of a demand with which the British Government have already declined to comply, for reasons which on full consideration they deemed to be sound and valid, and which they still deem to be so.

The acts connected with the execution of the reprisals which are alleged to have been offensive to Brazil are—1. An asserted blockade of the port of Rio; 2. The capture of Brazilian ships within the territorial waters of Brazil; 3. The holding of those ships in custody in a Brazilian port after they were captured; and some other things not specified.

Now, first as to the alleged blockade of the port of Rio de Janeiro. Although such a phrase as "blockade" may have been used in a despatch, no such blockade ever existed. The Minister of His Most Faithful Majesty knows, from his long studies and experience, that a blockade implies the effectual closing of a port against all vessels, whether national or neutral. But the port of Rio de Janeiro was never, in the course of the transaction referred to, closed or interdicted to neutrals; and the sole reason why the British ships of war took up the position in which they placed themselves off the port of Rio was, that the Admiral might be enabled to effect the reprisals he was ordered to execute.

Secondly, with regard to the execution of the reprisals in the territorial waters of Brazil, the Undersigned took care to consult persons of eminence in the profession of the law, and those persons informed him that there was no difference in point of international legality between reprisals executed in territorial waters and reprisals effected elsewhere.

This exposition of international law is confirmed, among other precedents, by that of the execution of reprisals by British ships of war in the Bay of Naples in the year 1840, when the legality of the execution of those reprisals in territorial waters was never questioned.

The only ground, therefore, on which the Brazilian Government could take offence would be a suspicion that the British Government or the British Admiral meant, by detaining in Brazilian waters the Brazilian ships which had been captured, intentionally to offend the dignity of Brazil by a needless infringement of its territorial rights.

But this intention was explicitly disavowed in the Memorandum of the 6th of June, in which it was declared that "Her Majesty's Government are quite ready to state to the Government of Brazil that the temporary use of the territorial waters of Brazil was prompted solely by a consideration for the interests of the owners of the vessels and cargoes detained, and did not arise from any desire or intention to infringe upon the territorial rights of the Emperor of Brazil."

It is quite clear, indeed, that the removal of the captured vessels to any places at a distance from Rio de Janeiro, or to British waters, would have been far more hurtful to the commerce of Brazil than the temporary inconvenience which that commerce was on the occasion in question compelled to undergo.

Moreover, with regard to the manner in which these reprisals were executed, the

Undersigned would observe that if recent accounts from the Republic of Uruguay are correct, the Brazilian Government would not hesitate to execute reprisals on its own account in a manner far more resembling the proceedings of a belligerent than the reprisals which were executed by Great Britain against Brazil. For it is stated that the reprisals meditated by Brazil against the Republic of Uruguay would consist not in the seizure of merchant-vessels, but in the actual military occupation of Uruguay territory, which would of course be a serious and deliberate violation of the territorial rights of that Republic.

The British Government, indeed, being anxious to obtain redress by the smallest amount of coercion that would accomplish its object, enjoined upon the British Minister and Admiral the duty of avoiding any act which could needlessly bring on a collision, or by which any risk of bloodshed was likely to be unnecessarily incurred.

As to the third point, the foregoing observations are an answer to the objections raised to the detention of the prizes in Brazilian waters.

Coming to the second head of demand, namely, the demand that the award of the King of the Belgians should be completely fulfilled by the British Government, the Undersigned has to say that he considers that award to have been completely complied with.

It is necessary here to go back to the earlier stages of these transactions.

Her Majesty's Government, deeming that it had a right to demand satisfaction for the refusal and evasion of inquiry and redress for the pillage of the "Prince of Wales," and the presumed and probably murder of her passengers and crew, and for the ill-treatment of three of the officers of the "Forte," made certain demands on the Brazilian Government. Those demands were eluded or refused; reprisals had been ordered in the event of the Brazilian Government not complying with those demands; but Mr. Christie, Her Majesty's Minister at Rio, acting under instructions from his Government, caused it to be intimated to the Brazilian Government that if that Government would submit to arbitration by a friendly Power the question at issue between the British and Brazilian Governments, those reprisals would not take place.

That overture was not accepted, and the reprisals took place. The Brazilian Government then tardily consented to give the demanded satisfaction with regard to the case of the ship "Prince of Wales;" but with respect to the demand which Her Majesty's Government had made, that certain officers and men should be dismissed and punished on account of their treatment of three officers of Her Majesty's ship "Forte," the Brazilian Government accepted the proposal that the question should be referred to the decision of an arbiter, and the King of the Belgians was named for that purpose. Her Majesty's Government might perhaps have objected to the proposed wording of reference, but animated by a spirit of conciliation they acquiesced in the Brazilian proposal.

The King of the Belgians declared that he did not think the ground on which, according to the wording of the reference, the British demand was founded, had been made out; and in acquiescence with that decision, Her Majesty's Government dropped the demand which it had made with regard to that case.

Count Lavradio, however, calls upon Her Majesty's Government to express its regret for such part of the reprisals as he considers as belonging to the case of the officers of the "Forte." To this the Undersigned must reply in the first place, that it would be impossible to separate the reprisals into two parts, assigning one to the case of the ship "Prince of Wales," and the other to the case of the officers of the "Forte;" and, moreover, if the case of the "Prince of Wales" had stood alone, and had not been accompanied by that of the officers of the "Forte," there can be no doubt that the same amount of reprisals which was made, would have been carried into execution.

But the plain state of the matter is that Her Majesty's Government deem themselves to have been fully justified, with regard to their reprisals, by the course pursued by the Brazilian Government.

On the third demand, as to the compensation demanded as indemnification for losses sustained by Brazilian subjects by reason of the reprisals.

On this the Undersigned has to say that, however much Her Majesty's Government regret that innocent owners and crews of merchant-vessels should have suffered injury by the measures which Her Majesty's Government felt it their duty towards the subjects of Her Majesty to adopt, it is impossible for Her Majesty's Government to admit any claim upon Great Britain on this head. Any claim which those owners or others may have for compensation on this score is a claim not on the British Government but upon the Government of Brazil, whose refusal to come to terms with Great Britain, without reprisals, was the cause of the losses, whatever they may be, which those owners and crews have sustained.

The argument of the Portuguese Minister on this head is, indeed, somewhat illogical. He argues that because the sum demanded of Brazil was paid after and in consequence of

the reprisals, the reprisals by which the payment was obtained must have been unjust and unnecessary, and ought to be paid for. But, unless the reprisals had taken place, the sums demanded would not have been paid, and those reprisals were therefore means necessarily adopted to accomplish the object in view. Count Lavradio's present demand amounts simply to a demand that Her Majesty's Government should refund a portion of the sum which has been paid by Brazil—a demand the compliance with which would merely be an acknowledgment that Her Majesty's Government had made an unreasonable and unjust demand on Brazil, and such an acknowledgment Her Majesty's Government cannot make.

Count Lavradio, towards the conclusion of his note, states, as a reason which, in his opinion, ought to induce Her Majesty's Government to yield to the Brazilian conditions, that "the interruption of diplomatic relations between Great Britain and Brazil is extremely hurtful to the interests of the two States, whose commercial relations are most important, but which may suffer grave and perhaps fatal changes if the reconciliation of the two Governments be indefinitely retarded."

Her Majesty's Government attach due importance to the commercial intercourse between Great Britain and Brazil, but the Undersigned would beg to observe that the commerce between the two countries forms but a thirty-second part of the foreign trade of Great Britain, while it forms nearly one-half of the foreign trade of Brazil, and that commerce is therefore much more important to Brazil than it is to Great Britain.

It is also to borne in mind that Brazilian customers exact much longer credit from British importers into Brazil than are required by the customers of British merchants in most other countries, and that, consequently, British trade with Brazil, is not so profitable as British trade with countries where payments are made more punctually, and where capital is more quickly returned.

With respect, however, to the effect which the interruption of diplomatic relations is calculated to have upon the commerce between the two countries, the Undersigned is glad to find that as yet no injurious result in this respect has taken place; for the commerce between Great Britain and Brazil, instead of falling off, has, in fact, considerably increased since the diplomatic relations between the two countries have been suspended.

It appears, from official returns, that the exports from Great Britain to Brazil and the exports from Brazil to Great Britain during the first six months of 1862, 1863, 1864, ending in the month of June, have been as follows:—

<i>Exports from Great Britain.</i>							£
1862	..	..	..	..	..	..	1,941,769
1863	..	..	..	..	..	..	1,628,879
1864	..	..	..	..	..	..	2,806,536
<i>Imports from Brazil.</i>							£
1862	..	..	..	..	..	..	1,947,136
1863	..	..	..	..	..	..	2,440,762
1864	..	..	..	..	..	..	3,697,381

With regard to the past, therefore, it appears that up to the time of the latest returns the commerce between the two countries has sustained no injury from the cessation of diplomatic relations; and as to those fatal changes which Count Lavradio anticipates for the future, the Undersigned can assure the Count that no such fatal changes will be made by Great Britain; and it may fairly be assumed that a just regard for the interests of Brazil will prevent any such changes from being made by the Brazilian Government, which Government must also naturally see that injury done to British commerce or injustice inflicted on British subjects would not be calculated to hasten the restoration of diplomatic intercourse, or to improve the relations between the two countries.

In conclusion, the Undersigned begs to repeat that Her Majesty's Government are sincerely desirous that the diplomatic relations between the two countries may be renewed. But the renewal of those relations cannot be effected satisfactorily except in a manner consistent with a due regard to the dignity of both. Her Majesty's Government, however, cannot, with a due regard to the dignity of Great Britain, submit to the conditions proposed by the Count of Lavradio; and they remain of opinion that the conditions of arrangement proposed by the Undersigned in his note of June 6th contain all that is required by a just regard for the honour and dignity of the two countries.

The Undersigned, &c.

(Signed)

RUSSELL.

Count Lavradio to Earl Russell.—(Received October 14.)

(Translation.)

London, October 14, 1864.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty to Her Britannic Majesty, has the honour to acknowledge the receipt of the note of the 10th October instant from his Excellency the Earl Russell, &c., in reply to the note which the Undersigned had the honour on the 14th September last to address to his Excellency, tendering to him the conditions which the august Mediator considered might serve as a basis for negotiating the re-establishment of the interrupted diplomatic relations between the Governments of Great Britain and Brazil.

But the Undersigned, having fully considered the note of Earl Russell, understood with great regret that his Excellency did not assent to the conditions proposed by the Undersigned, but insisted on the adoption of the proposal contained in his Memorandum of the 6th June last.

The Undersigned, having received the instructions of the august Mediator to declare the conditions offered by Earl Russell in his above-mentioned Memorandum insufficient, considers himself bound to state to his Excellency that he looks upon the negotiation entrusted to him as suspended until he receives fresh orders from his Government, which he is about to ask for, and which he will have the honour to communicate to his Excellency as soon as he receives them.

The Undersigned, abstaining from entering into an analysis of the above-mentioned note of Earl Russell until he receives the orders of his Government, cannot, however, in his own defence refrain from rejecting at once some censures which occur in this note of his Excellency.

The principal censures which Earl Russell makes to the Undersigned are three:—

The first is of omission; that is to say, that he has not distinctly stated the reasons which had led his Government to maintain the conditions offered to Her Britannic Majesty's Government.

The second of absurdity, in the pretension of dividing the reprisals into two parts.

The third of want of logic, in the arguments by which he endeavours to maintain that the owners of the captured ships had a right to an indemnification.

As to the first censure, the Undersigned observes that in the exposition offered as a basis for the reconciliation of the British Government with that of Brazil, his Excellency will find the reasons upon which the Government of His Most Faithful Majesty proposed and maintained those conditions, and he will also admit that the Undersigned, in his endeavour not to be prolix, could not therefore be accused of omission.

As to the second censure, the Undersigned, being of opinion that he may dispense with repeating what he has already stated in his note of the 14th September, will confine himself to the statement that he had no idea of separating the reprisals into two parts, nor of requiring of Her Britannic Majesty's Government the repayment of a part of the amount paid by the Government of His Majesty the Emperor of Brazil to that of Her Britannic Majesty; but what the Undersigned proposed, and what it was logical to conclude, was, that reprisals being ordered by the British Government for the redress of two acts which had been considered offensive, and it having been subsequently determined, by the arbitration of the King of the Belgians, that there had been no offence or intention of offence in one of these acts, the offender, wishing to be reconciled to the offended party, ought, at the least, to declare that he regretted that he had done an act for redressing an offence which had no existence. If Earl Russell and the British Agents in Brazil had not very explicitly and solemnly declared that the object of the reprisals was to retaliate ("vingar") for the two supposed offences, in this case it would be sufficient, in order to consider the sentence of the King of the Belgians carried into effect, that the British Government should desist from claims still pending; but in view of the orders of Earl Russell, several times mentioned by the Undersigned, and of the declarations made by the British Agents in Brazil, it cannot be doubted that the sentence of the King of the Belgians cannot be looked upon as carried out, until the Government of Her Britannic Majesty expresses to that of His Majesty the Emperor of Brazil its sorrow for having included in the reprisals the punishment for an offence which had not existed; and in view of this statement the Undersigned considers that his urgency on this point ought not to be considered absurd.

It remains to consider the third censure, which characterises as illogical the arguments by which the Undersigned pretends to maintain the right to be indemnified of the owners of the Brazilian trading vessels captured by the English squadron. Earl Russell

appears to have supposed that the Undersigned proposed an indemnification to the Brazilian Government, whilst the Undersigned barely proposed the fulfilment of the orders of Earl Russell, contained in his despatch of the 8th November, 1862, addressed to the British Minister at the Court of Rio de Janeiro, in which his Excellency ordered that, so soon as the Government of Brazil had done justice to the British claims, the captured ships should be "restored uninjured."

But, moreover, the Undersigned cannot refrain from observing to his Excellency that the reprisals were made far beyond what is permitted by the Law of Nations. Vattel says, in lib. 3, cap. 18, § 342, in treating of reprisals, that they cannot be carried further than "jusqu'à concurrence de ce qui lui est dû," and this is likewise the opinion of all the authors of note who have written since Vattel, and whom it appears superfluous to quote. Now, if the information given to the Undersigned be correct, one alone of the five captured ships far exceeded in value the amount claimed by the British Government. And yet will an indemnification to which the Law of Nations gives them a right be denied to the owners of the captured ships? And shall the Undersigned be called illogical for maintaining that right?

Earl Russell appears to consider impertinent some friendly observations which the Undersigned took the liberty of submitting to his Excellency, hoping that, far from being ill received, they would be taken as a proof of the interest which the Undersigned took in the success of the negotiation which his august Sovereign was pleased to entrust to him.

The Undersigned is rejoiced to receive from Earl Russell the communication, accompanied by documentary evidence, showing that the trade between Great Britain and Brazil, subsequently to the suspension of diplomatic relations, very far from suffering, has considerably improved. This fact does honour to both States.

The Undersigned begs pardon for occupying so long the attention of his Excellency with his apology, after having stated the suspension of the negotiation which was entrusted to him.

The Undersigned, &c.

(Signed)

LAVRADIO.

No. 10.

Count Lavradio to Earl Russell.—(Received February 2.)

Translation.)

London, February 2, 1865.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty to Her Britannic Majesty, made known to his Government in due time the note addressed to him on the 10th October, 1864, by his Excellency the Earl Russell, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, rejecting the proposition made by the Undersigned to his Excellency in his note of the 14th September last, as the basis of a negotiation for the re-establishment of diplomatic relations between the Government of Her Britannic Majesty and that of His Majesty the Emperor of Brazil, under the mediation of His Most Faithful Majesty.

The haste with which Her Britannic Majesty's Government rejected the conciliatory proposition made by the Undersigned in the name of his Sovereign could not but affect very unpleasantly the Government of His Most Faithful Majesty; but, nevertheless, with that impartiality which is incumbent on a Mediator, it hastened to transmit to the Government of His Majesty the Emperor of Brazil the resolution of Her Britannic Majesty's Government contained in the aforesaid note of the 10th October, although without expecting that the Brazilian Government would be inclined to accept such a defective reparation as that which was offered by the British Government, and so different from what His Most Faithful Majesty's Government had conscientiously suggested.

In fact, the Government of His Majesty the Emperor of Brazil, having been made acquainted with the rejection of the proposition made by the august Mediator, and the substitution offered by the Government of Her Britannic Majesty, declared without hesitation that it could not for many reasons accept the substitution offered by Great Britain, the principal reasons being these:—

1st. Because it did not repair in a satisfactory manner the serious offence of a violation of the territorial sovereignty of the Empire, nor did it recognize the right of Brazilian subjects to an indemnification for the damages caused by the capture and detention of five trading vessels in the Bay of Palms.

2nd. Because it did not carry out the sentence pronounced by the arbitration of the venerable King of Belgium.

3. Because it disregarded the conciliatory proposition made by the august Mediator, based on the principles of the most rigorous justice and already accepted by the Imperial Government of Brazil.

The negotiation then being in this state, and His Most Faithful Majesty's Government feeling that it could not, without a diminution of self-respect, advise the Government of His Majesty the Emperor of Brazil to desist from the original proposition, and that it could hope as little, in view of the Memorandum of Earl Russell and of his Excellency's note of the 10th October last, that its proposition now twice rejected should be re-considered, and still less that it should be admitted, and knowing therefore that the continuance of the negotiation would not only be completely useless but even unseemly towards the august Mediator, has ordered the Undersigned to make to his Excellency the Earl Russell the following formal declaration :—

That His Most Faithful Majesty the King of Portugal having offered his mediation to Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and to His Imperial Majesty the Emperor of Brazil, and this mediation having been accepted by his two august allies, the King Mediator had endeavoured with the utmost impartiality, and with the most anxious desire for a just and speedy result, to conciliate his two august allies by tendering to them a proposition which appeared to him to be founded on the principles of the strictest justice, and equally honourable to his two august allies, as a basis for the negotiation which should precede the re-establishment of the interrupted diplomatic relations between the two Governments.

That, however, Her Britannic Majesty's Government having rejected the proposition of the august Mediator, which proposition the Government of His Majesty the Emperor of Brazil had agreed to, and the august Mediator understanding, in view of the repeated rejection of Her Britannic Majesty's Government, that no successful result could be expected from a continuance of the negotiation, His Most Faithful Majesty the King of Portugal declares the mediation to be ended which he had, with great satisfaction, offered to his two august allies, and which with deep sorrow he now finds himself obliged to withdraw, but which he will gladly be ready to renew, if at any time his two august allies should wish to return to the same.

The Undersigned refrains from recapitulating the negotiation which is closed with the present note, but trusting in the equity of Earl Russell, he ventures to hope that his Excellency, looking to the written and verbal communications which have taken place between his Excellency and the Undersigned, will acknowledge that the Undersigned during the whole negotiation has acted with due impartiality, and with the sincere desire of reconciling the two Governments which had had recourse to, or had accepted, the friendly mediation of a Sovereign their intimate and faithful ally.

The Undersigned, &c.

(Signed)

LAVRADIO.

No. 11.

Earl Russell to Count Lavradio.

Foreign Office, February 7, 1865.

THE Undersigned, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, has received with great regret the communication, dated the 2nd instant, of Count Lavradio, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty at this Court.

The Undersigned has learnt from this communication that the Emperor of Brazil, upon being made acquainted with the contents of the note of the Undersigned of the 10th of October last, declared without hesitation that he would not accept the terms proposed in it by Her Majesty's Government.

Three principal reasons are given for this rejection :—

1. Because the terms proposed did not repair in a satisfactory manner the serious offence of a violation of the territorial sovereignty of the Empire, nor did they recognize the right of Brazilian subjects to an indemnification for the damages caused by the capture and detention of five trading vessels in the Bay of Palms.

2. Because they did not carry out the sentence pronounced by the arbitration of His Majesty the King of Belgium.

3. Because they disregarded the conciliatory proposition made by the august Mediator

based upon the principles of the most rigorous justice, and already accepted by the Imperial Government of Brazil.

With regard to the first of those reasons, it would appear that the Government of Brazil have not clearly understood the reasons for which Her Majesty's Government were obliged to refuse the reparation and the compensation proposed.

They could only have done so upon one of two grounds—either that an execution of reprisals in the territorial waters of Brazil was contrary to international law, or that some intentional offence was thereby offered to the dignity of the Emperor of Brazil.

With regard to the first ground, they were informed by the eminent law advisers of the Crown that reprisals might, in entire conformity with the law of nations, be carried into execution in the territorial waters of a State. Her Majesty's Government have frequently so executed them, and, if they are not misinformed, the Brazilian Government have lately, without declaring war, carried into effect reprisals in the territorial waters of the Republic of Uruguay.

If Her Majesty's Government had given reparation on this ground, therefore, they would have surrendered on the part of Great Britain a right which would be retained and exercised on the part of all other maritime Powers, Portugal and Brazil included.

This was manifestly impossible.

As little could Her Majesty's Government admit that their Representative at Rio had committed any intentional offence to the Emperor of Brazil. Her Majesty's Government protested, on the contrary, that it was not with any design of offence, but in order to spare Brazilian commerce the damage and loss which would have been occasioned by the detention of merchant-ships on the high seas or in a British port at a distance from Brazil, that reprisals were executed by Admiral Warren in the neighbourhood of Rio de Janeiro.

This explanation, so consistent with the respect which Her Majesty's Government feel for the Emperor of Brazil, ought in their opinion to have been satisfactory.

With respect to the second reason—namely, that the note did not carry into effect the sentence pronounced by the arbitration of His Majesty the King of the Belgians—the Undersigned can only say that the British Government, having accepted the arbitration of the King of the Belgians, could have no other intention than that of carrying his sentence as arbitrator into effect.

The case stood thus: Her Majesty's Government, convinced that an affront had been offered to the British navy, required the punishment and censure of the officer and the sentinel who, they considered, had been concerned in offering that affront.

The Brazilian Government refused to comply with this demand, but proposed to refer the question in a prescribed shape to the arbitration of the King of the Belgians.

The King of the Belgians decided that no affront had been offered to the British navy.

The British Government at once withdrew all the demands upon Brazil founded on their belief that there had been such an affront, and explicitly declared their withdrawal from all such demands in the note of the Undersigned of the 10th of October.

With regard to the reprisals, they were abundantly justified in the opinion of Her Majesty's Government by the transaction of the "Prince of Wales," with regard to which, previous to the execution of reprisals, all redress whatever was refused.

With respect to the third reason, Her Majesty's Government, after attentively examining the proposition of the august mediator, could regard it as no other than the proposition made by M. Moreira, which Her Majesty's Government had already felt themselves compelled to decline.

Her Majesty's Government lament that the Government of His Most Faithful Majesty feel themselves unable to make any other proposition than one which is in substance the proposal of the Government of Brazil, which had already been declined by Her Majesty's Government.

But Her Majesty's Government feel so much concern at the interruption of diplomatic relations between Great Britain and Brazil, that they are induced to ask His Most Faithful Majesty before he finally relinquishes the part of mediator to convey to Brazil the following proposition, namely:—

That Her Majesty's Minister Plenipotentiary to the Argentine Republic, Mr. Thornton, should proceed on a special mission to Brazil; that he should then solicit the honour of an audience of the Emperor; that he should express to His Imperial Majesty the concern with which Her Majesty has viewed the circumstances attending the suspension of friendly relations between the two Courts; that he should declare that Her Majesty's Government disavow most solemnly all intention of offending the dignity of the Brazilian Empire; that Her Majesty accepts fully and unreservedly the award of the King of the

Belgians, and will be happy to appoint a Minister to Brazil whenever His Imperial Majesty shall be ready to renew diplomatic relations.

The Undersigned feels bound to say in conclusion that he willingly bears testimony to the desire of Count Lavradio to act with due impartiality, and a sincere wish to reconcile the Governments of Great Britain and Brazil whose interests and connexion with Portugal ought to unite them in the most friendly relations to each other.

The Undersigned, &c.

(Signed) RUSSELL.

No. 12.

Count Lavradio to Earl Russell.—(Received February 8.)

(Translation.)

London, February 8, 1865.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty with Her Britannic Majesty, has had the honour to receive the note which the Earl Russell, &c., addressed to him yesterday the 7th instant, in reply to that which the Undersigned had sent to his Excellency on the 2nd instant, and declaring likewise the wish of Her Britannic Majesty's Government that His Most Faithful Majesty would not consider his functions as mediator terminated before making known to the Government of Brazil the following proposition:—

“That Her Majesty's Minister Plenipotentiary to the Argentine Republic, Mr. Thornton, should proceed on a special mission to Brazil; that he should then solicit the honour of an audience of the Emperor; that he should express to His Imperial Majesty the concern with which Her Majesty has viewed the circumstances attending the suspension of friendly relations between the two Courts; that he should declare that Her Majesty's Government disavow most solemnly all intention of offending the dignity of the Brazilian Empire; that Her Majesty accepts fully and unreservedly the award of the King of the Belgians, and will be happy to appoint a Minister to Brazil whenever His Imperial Majesty shall be ready to renew diplomatic relations.”

The Undersigned hastens to have the honour to assure his Excellency that he will make known immediately to the Government of His Most Faithful Majesty the above proposition of Her Britannic Majesty's Government, being convinced that the King, his august Sovereign, will command that the above proposition shall be transmitted to Brazil as soon as possible.

The Undersigned sincerely thanks the Earl Russell for the testimony which his Excellency at the end of the note above mentioned has had the goodness to give him of the impartiality and sincere desire to reconcile the two Governments which the Undersigned evinced during the preceding negotiation.

The Undersigned, &c.

(Signed) LAVRADIO.

No. 13.

Count Lavradio to Earl Russell.—(Received April 27.)

(Translation.)

London, April 27, 1865.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty to Her Britannic Majesty, in pursuance of orders from his Government, has the honour to inform his Excellency the Earl Russell, &c., that the Government of His Most Faithful Majesty having communicated in due time to the Government of His Majesty the Emperor of Brazil the note of the 7th of February last which his Excellency the Earl Russell addressed to the Undersigned, the Minister for Foreign Affairs of His Imperial Majesty replied to the said communication, on the 23rd March last, in the following terms:—

“The Government of His Majesty the Emperor is resolved to accede to the new proposition of the Minister for Foreign Affairs of Great Britain, if a recognition, on the part of the British Government, of the right which the commerce of Brazil possesses of being indemnified for the losses and damages caused by the reprisals, shall be added to the terms in which the resolution is drawn up.”

The Undersigned may assure his Excellency that the Government of His Most Faithful Majesty will have great satisfaction if Her Britannic Majesty's Government shall think that it can accede to the addition suggested by the Government of Brazil to the proposition of Earl Russell, made in his note of the 7th of February last.

The Undersigned, &c.

(Signed) LAVRADIO.

No. 14.

*Earl Russell to Count Lavradio.**Foreign Office, May 4, 1865.*

THE Undersigned, &c., has the honour to thank Count Lavradio, &c., for the communication which in his note of the 27th of April he has made on the part of Brazil; but he regrets to say that Her Majesty's Government cannot accede to the addition proposed by the Brazilian Government to the proposition which the Undersigned had the honour to make by means of the kind intervention of the Government of His Most Faithful Majesty.

The Undersigned is convinced that the Government of Portugal will perceive that it is impossible for Her Majesty's Government to accede to the proposed addition.

The Undersigned, &c.

(Signed)

RUSSELL.

No. 15.

Count Lavradio to Earl Russell.—(Received May 6.)

(Translation.)

London, May 5, 1865.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty to Her Britannic Majesty, has the honour to acknowledge receipt of the note of yesterday the 4th instant, which his Excellency the Earl Russell, &c., addressed to him, informing him that Her Britannic Majesty's Government could not accept the additional clause offered by the Government of His Majesty the Emperor of Brazil to the proposition of conciliation offered by the Earl Russell in his note of the 7th of February last, addressed to the Undersigned.

The Undersigned will communicate to his Government, without the smallest delay, the above-mentioned resolution of the Government of Her Britannic Majesty.

The Undersigned, &c.

(Signed)

LAVRADIO.

No. 16.

Count Lavradio to Earl Russell.—(Received July 25.)

(Translation.)

London, July 21, 1865.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty to Her Britannic Majesty, has the honour and the great satisfaction of transmitting to his Excellency Earl Russell, &c., the accompanying copy of the note of the 23rd June of the present year which the Foreign Minister of His Majesty the Emperor of Brazil addressed to the Minister Plenipotentiary of His Most Faithful Majesty at the city of Rio de Janeiro, informing him that the Government of His Imperial Majesty, in virtue of the advice of His Most Faithful Majesty, had accepted the proposition tendered by His Britannic Majesty's Government for its reconciliation with the Government of His Majesty the Emperor of Brazil, contained in the note which his Excellency Earl Russell had sent on the 7th February last to the Undersigned, and that it looked with satisfaction to the re-establishment of its relations with the Government of Her Britannic Majesty so long interrupted.

This explicit declaration having been made by the Government of His Majesty the Emperor of Brazil, the Undersigned, acquainted with the sentiments of Her Britannic Majesty's Government, is persuaded that it will not delay the carrying out of the different articles of its proposition of the 7th February, the first of which is the special mission entrusted to Mr. Thornton, which will be received by the Government of His Majesty the Emperor with due regard, and with very particular satisfaction, which the Undersigned is authorized to declare to his Excellency.

The Undersigned, looking upon the negotiation which His August Sovereign was pleased to entrust to him as being terminated, and with a happy result, considers that this is the time to testify to his Excellency the Earl Russell his feelings of gratitude for the kindness and conciliatory spirit which he has experienced in his Excellency during this long negotiation which contributed so greatly to its good result.

The Undersigned, &c.

(Signed)

LAVRADIO.

Inclosure in No. 16.

*Senhor Saraiva to Senhor Vasconcellos.**Department of Foreign Affairs, Rio de Janeiro,
June 23, 1865.*

(Translation.)

THE Undersigned, of the Council of His Majesty the Emperor of Brazil, his Secretary of State, *ad interim*, in the Foreign Department, laid before His Majesty the note which on the 5th instant his Excellency Señor José de Vasconcellos e Souza, the Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty, did him the honour to address to him.

By means of that note, and in reference to the gracious mediation of the King, Senhor Vasconcellos e Souza communicates to the Undersigned the idea of the British Government in respect of the reply which the Imperial Government gave to its proposition of the 7th February in the note of the 23rd March.

The Government of His Majesty the Emperor said then, that it would agree to the said proposition, if the recognition of the right of the Brazilian merchants to be indemnified for the losses caused by the reprisals were added to the terms of the same.

Her Britannic Majesty's Government declares that it cannot accept such addition.

This is the stage at which the negotiation arrived, and when the Government of Brazil was called upon to speak. This it did, declaring not only the desire which it always cherished to be reconciled with the Government of Great Britain, but also the deference due to the august Mediator for his initiative and his impartiality.

His Most Faithful Majesty's Government thinks the proposition of the 7th of February worthy of acceptance ("aceitavel"). The Government of His Majesty the Emperor defers to this opinion, reconsiders the matter, and in this way likewise responds to the spontaneous way in which the Government of Her Britannic Majesty, on the withdrawal of the mediation, hastened to solicit its renewal, and then offered the bases which constitute that proposition.

The addition offered on the 23rd March is now the only obstruction to a reconciliation. It tended to maintain a right which the Imperial Government, considering it with calmness allowed by the remote time of the first events, still judges to be as well founded as the result of the whole question. But being assured by the Government of the august Mediator that it is impossible for the Government of Great Britain to acknowledge this right, and considering the offer made that Her Britannic Majesty would accredit a Minister with a special mission to His Majesty the Emperor, for the purpose declared in the said proposition, the Government of Brazil assents to the same as drawn up in the note of the 7th February, and looks with satisfaction to the re-establishment of relations so long interrupted.

The Undersigned, by order of his august Sovereign, thus declares to Senhor Vasconcellos e Souza, and takes, &c.

(Signed) JOSE ANTONIO SARAIVA.

No. 17.

Earl Russell to Count Lavradio.

M. le Comte,

Foreign Office, July 26, 1865.

I HAVE the honour to acknowledge the receipt of your letter of the 21st instant, informing me of the acceptance by the Government of Brazil of the terms of reconciliation offered by Her Majesty's Government through the kind mediation of His Most Faithful Majesty; and I beg to convey to you the expression of the great satisfaction with which Her Majesty's Government have learnt the result of the friendly efforts made by His Majesty the King of Portugal, and at the same time to thank you warmly for your own exertions in the matter.

I am, &c.
(Signed) RUSSELL.

No. 18.

Earl Russell to Mr. Lytton.

Sir,

Foreign Office, July 27, 1865.

I HAVE to acquaint you that I have received a note from Count Lavradio, informing me of the acceptance by the Government of Brazil of the terms of reconciliation offered by Her Majesty's Government through the kind mediation of His Most Faithful Majesty; and I have to instruct you to convey to the Portuguese Minister of Foreign Affairs the expression of the great satisfaction with which Her Majesty's Government have learnt the result of the friendly efforts made by His Majesty the King of Portugal, and at the same time to thank Count d'Avila for the part he has taken in this matter.

I am, &c.

(Signed) RUSSELL.

No. 19.

Earl Russell to Mr. Thornton.

Sir,

Foreign Office, July 28, 1865.

THE printed papers of which copies are inclosed will inform you of the communications which have passed between Her Majesty's Government and that of Portugal with a view to the re-establishment of diplomatic intercourse between Great Britain and Brazil which has been interrupted since the year 1863.

You will find among these papers a copy of a letter which, on the 7th of February last, I addressed to Count Lavradio, His Most Faithful Majesty's Minister at this Court, in which I requested that His Majesty would convey to Brazil the following proposition on the part of the British Government:—

“That Her Majesty's Minister Plenipotentiary to the Argentine Republic, Mr. Thornton, should proceed on a special mission to Brazil; that he should then solicit the honour of an audience of the Emperor; that he should express to His Imperial Majesty the concern with which Her Majesty has viewed the circumstances attending the suspension of friendly relations between the two Courts; that he should declare that Her Majesty's Government disavow most solemnly all intention of offending the dignity of the Brazilian Empire; that Her Majesty accepts fully and unreservedly the award of the King of the Belgians, and will be happy to appoint a Minister to Brazil whenever His Imperial Majesty shall be ready to renew diplomatic relations.”

I have now received from Count Lavradio a letter, of which I inclose a copy,* and which you will see that the Brazilian Government accepts, without reserve, the proposition put forward in my letter of the 7th of February.

I have accordingly to instruct you, as soon after the receipt of this despatch as you can arrange for your departure from Buenos Ayres, to proceed to Rio de Janeiro; and on your arrival there, you will request an audience of the Emperor. On being admitted to his presence, you will deliver to His Imperial Majesty the inclosed letter from Her Majesty, accrediting you, as you will perceive by the copy also inclosed, as Her Majesty's Envoy on a special mission; and you will then convey to His Imperial Majesty explanations and assurances in conformity with what is stated in the extract of my letter to Count Lavradio of the 7th of February textually cited in this despatch.

I have requested the Lords Commissioners of the Admiralty to instruct Rear-Admiral Elliot either himself to accompany you to Rio de Janeiro, or to send you to that city in one of Her Majesty's ships under his orders.

As it is fully understood that the Emperor of Brazil will accept the assurances which you are thus ordered to convey to him, the Queen has been pleased to declare her intention to grant to you ordinary credentials as Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of the Emperor; and pending your receipt of such credentials, which will be forwarded to you by the mail of the 9th September, you may either remain at Rio de Janeiro, or return to Buenos Ayres to arrange your private affairs, if you find it necessary to return for that purpose, taking care in any case to be at Rio de Janeiro at the time when the mail of the 9th September may be expected to arrive at Rio.

On your departure from Buenos Ayres in execution of this instruction, you will

present Mr. Pakenham to the Argentine Secretary of State as Her Majesty's Chargé d'Affaires.

For convenience of reference, I send your herewith copies of all the papers formerly presented to Parliament respecting the interruption of diplomatic relations with Brazil.

A letter of credence to the Empress of Brazil is also inclosed.

I am, &c.
(Signed) RUSSELL.

No. 20.

Earl Russell to Mr. Thornton.

Sir,

Foreign Office, July 28, 1865.

THE Portuguese Minister at this Court, through whom Her Majesty's Government learnt the satisfactory intelligence which I have communicated to you in my previous despatch of this day's date, relative to the restoration of friendly relations between Great Britain and Brazil, has expressed on behalf of his Government a wish that, on arriving at Rio de Janeiro, you should request the Portuguese Minister at that capital to present you to the Minister of Foreign Affairs, with a view to your audience of the Emperor of Brazil. This course I thought objectionable. Her Majesty's Envoy must present himself to the Minister of Foreign Affairs, and proceed to execute his instructions. As a mark, however, of the sense entertained by Her Majesty of the proceedings of the Portuguese Minister, I should wish you to ask him to accompany you on the occasion in question.

I am, &c.
(Signed) RUSSELL.

No. 21.

Mr. Lytton to Earl Russell.—(Received August 29.)

(Extract.)

Lisbon, July 30, 1865.

THE present legislative session of the Portuguese Cortes was opened this afternoon by the King in person. I have the honour to inclose herewith translation (by Mr. Duff) of the speech from the Throne.

The most interesting paragraph in the inclosed report of the King's language to the Parliament now opened is undoubtedly that which contains the announcement of the happy termination of recent differences between Great Britain and Brazil. That announcement has been received with universal satisfaction in this country, and I may add that I am assured by my Brazilian colleague that the nature of your Lordship's last proposals for the renewal of diplomatic relations with Brazil has created the most favourable and friendly impression amongst all classes of his own countrymen. Great satisfaction, he also informs me, has been felt in Brazil at the conduct of Her Majesty's ships present on the occasion of the recent naval engagement in which the Brazilian flag was victorious. Furthermore I deem it incumbent on me to mention to your Lordship that I have received from Count d'Avila the most cordial and flattering testimony to the great forbearance, temper, tact, and courtesy which have distinguished the conduct of Her Majesty's Government throughout the whole of the negotiations, now happily terminated, for the renewal of relations with Brazil. To the exercise of these qualities by the British Government Count d'Avila frankly and forcibly ascribes the complete success which has attended the good offices of his own Cabinet, and he expresses the opinion that the language held and the course adopted by your Lordship throughout the above-mentioned negotiations have entirely allayed, and replaced by the most friendly sentiments, those feelings of temporary irritation to which recent events had given rise on the part of the Government and public of Brazil.

Inclosure in No. 21.

Extract from the Speech of the King of Portugal at the Opening of the Session of the Cortes, on the 30th of July, 1865.

(Translation.)

I HAVE the satisfaction to announce to you that the interruption of political relations between Brazil and Great Britain has ceased; this temporary disagreement having been

brought to an end in a dignified manner for both countries. I congratulate myself on having offered my mediation, accepted as it was by both the interested States, in a question which has now been satisfactorily settled, as might be foreseen from the very beginning, owing to the acknowledged enlightenment and prudence of those two nations with whom we are connected by the most intimate ties.

No. 22.

Earl Russell to Mr. Lytton.

(Extract.)

Foreign Office, August 14, 1865.

IN reply to your despatch of the 30th ultimo, I have to instruct you to inform Count d'Avila that Her Majesty's Government feel very sensibly the appreciation by the Portuguese Government of the friendly spirit which has animated Her Majesty's Government during the recent dispute with Brazil.

No. 23.

Mr. Lytton to Earl Russell.—(Received September 1.)

My Lord,

Lisbon, August 17, 1865.

I LOST no time after the receipt of your Lordship's despatch of the 27th ultimo, in addressing a note to the Portuguese Government, in accordance with your Lordship's instructions, for the purpose of expressing to Count d'Avila, His Most Faithful Majesty's Minister for Foreign Affairs, the satisfaction felt by Her Majesty's Government at the successful result of the friendly efforts made by His Majesty the King of Portugal, with the object of effecting a reconciliation between Great Britain and Brazil, and likewise thanking his Excellency for the part he had taken in the matter.

In reply to this communication I received from Count d'Avila a note dated the 8th instant (translation of which is herewith inclosed) stating that His Majesty had been highly pleased at seeing the value set upon his good offices for the re-establishment of political relations between the two friendly Governments, and requesting me make this known both to Her Majesty and to Her Majesty's Government.

In the same note, Count d'Avila has also asked me to express to Her Majesty's Government his profound acknowledgment for the kindness of Her Majesty's Government towards himself, for which he professes himself very thankful.

I also inclose herewith for your Lordship's information a copy of my note acknowledging the receipt of Count d'Avila's note of the 8th instant above referred to.

I have, &c.

(Signed) RT. LYTTON.

Inclosure 1 in No. 23.

Mr. Lytton to Count d'Avila.

M. le Ministre,

Lisbon, August 5, 1865.

IT is with the sincerest pleasure that, in fulfilment of instructions just received from Earl Russell, I have the honour to make known to your Excellency that the Government of Her Britannic Majesty have been informed in a note addressed by Count Lavradio to Her Majesty's Principal Secretary of State for Foreign Affairs of the acceptance by the Government of Brazil of the terms of reconciliation offered by Her Britannic Majesty's Government through the kind mediation of His Most Faithful Majesty.

I am further instructed to convey, without loss of time, to your Excellency the expression of the great satisfaction with which Her Majesty's Government have learnt the result of the friendly efforts made by His Majesty the King of Portugal, and in particular it is my agreeable duty to offer to yourself, M. le Ministre, the thanks of Her Britannic Majesty's Government for the part taken by your Excellency in this matter.

I avail, &c.

(Signed) RT. LYTTON.

Inclosure 2 in No. 23.

Count d'Avila to Mr. Lytton.

(Translation.)

Foreign Department, Lisbon, August 8, 1865.

I RECEIVED the note which you were pleased to address to me under date of the 5th instant, for the purpose of communicating to me the intelligence that Her Britannic Majesty's Government had been informed by a note from Count de Lavradio that the Government of His Majesty the Emperor of Brazil had accepted the terms offered by the British Government for a reconciliation between Great Britain and that empire through the kind mediation of His Most Faithful Majesty.

And you add that you had received orders to express to me, without loss of time, the great satisfaction with which your Government had learnt the result of the friendly endeavours employed by His Majesty the King of Portugal, and that you were complying with the agreeable duty of conveying to me, in the name of Her Britannic Majesty's Government, their thanks for the part which I had taken in this matter.

Having hastened to bring this agreeable communication under the notice of the King, His Majesty was pleased to direct that I should request you to have the goodness to make known to Her Britannic Majesty and to her Government the great pleasure felt by that same august person at seeing the value set upon his good offices for the re-establishment of political relations between two friendly Governments and so intimately connected with Portugal, and at having in this manner been able to prove to both the sincerity of his feelings and his earnest wish of meeting with other opportunities of drawing still closer the friendly relations which so happily subsist between Portugal, Great Britain, and Brazil.

And as far as concerns myself, feeling very thankful for the kindness of Her Britannic Majesty's Government, I have also to request that you would transmit to them the expression of my profound acknowledgment.

I have, &c.

(Signed) COUNT D'AVILA.

Inclosure 3 in No. 23.

*Mr. Lytton to Count d'Avila.**Lisbon, August 12, 1865.*

M. le Ministre,

IN thanking your Excellency for your courteous and interesting reply to my note of the 5th instant, whereby you do me the honour to make known to me, in order that I may have the satisfaction of communicating them to the Government of the Queen my Sovereign, the friendly sentiments expressed by His Most Faithful Majesty on the occasion of the reconciliation now happily effected by the good offices of His Majesty your august Master, and of His Majesty's Government, between Great Britain and Brazil. I beg to assure your Excellency that I shall lose no time in forwarding to Her Majesty's Government, in order that it may be brought to the knowledge of Her Majesty the Queen, copy of the above-mentioned note which I had the honour to receive from your Excellency.

I have, &c.

(Signed) RT. LYTTON.

No. 24.

Mr. Lytton to Earl Russell.—(Received October 1.)

My Lord,

Lisbon, September 16, 1865.

I HAVE the honour to inclose herewith, for your Lordship's information, copy of the note which in obedience to the instructions contained in your Lordship's despatch of the 14th ultimo, I addressed on the 30th of that month to Count d'Avila, expressing the thanks of Her Majesty's Government for the appreciation by the Portuguese Government of the friendly spirit which has animated Her Majesty's Government during the recent dispute with Brazil, and also recording the wish of Her Majesty's Government to maintain the most cordial relations both with Brazil and this country.

I have, &c.

(Signed) RT. LYTTON.

Inclosure in No. 24.

Mr. Lytton to Count d'Avila.

M. le Ministre,

Lisbon, August 30, 1865.

I HAVE received the instructions of Earl Russell to inform your Excellency that the Government of Her Majesty my august Sovereign feel very sensibly the appreciation by the Portuguese Government of the friendly spirit which has animated the Government of Her Majesty during the recent dispute with Brazil.

Her Majesty's Government are most desirous to maintain the most cordial relations both with Brazil and Portugal.

I avail, &c.
(Signed) RT. LYTTON.

No. 25.

Mr. Thornton to Earl Russell.—(Received October 19.)

(Extract.)

Buenos Ayres, September 12, 1865.

SOME days ago Senhor Octaviano, the Brazilian Minister here on a special mission, stated to me that he knew of your Lordship's intention to instruct me to proceed on a special mission to the Emperor, and that Senhor Saraiva had desired him to ask me whether in that case I should have any objection to go to Rio Grande for the purpose of presenting Her Majesty's letter to His Imperial Majesty; for, he added, the Brazilian Government did not feel confident that they had a right to receive it, although they were not acquainted with the Emperor's wishes upon the matter.

I replied that if your Lordship's instructions should not prevent it I should have no objection to go to Rio Grande.

Since the arrival of your Lordship's despatch of the 28th of July this morning, I have again seen Senhor Octaviano, who tells me that he has received no further intimation upon this point from Senhor Saraiva, but as he assures me that the Emperor will be glad to see me in Rio Grande, I have determined to go there for the purpose of finding out whether His Imperial Majesty will be pleased to grant me an audience at once and receive the Queen's letter, or whether he will prefer that I should proceed to Rio.

As His Imperial Majesty is accompanied by a Minister of State, Senhor Ferraz, there does not seem to be any reason why the former course should not be adopted. I therefore intend to take the route of the Uruguay, and, supposing I do not in the meantime hear of the Emperor's being out of reach, to leave this on the 16th instant by the first steamer to Salto, whence I shall find my way as I best can.

I fear that it will be almost impossible for me to be at Rio in time for the arrival of the steamer which will have left England on the 9th instant, but I will take care that there shall be no unnecessary delay.

No. 26.

Earl Russell to Mr. Thornton.

Sir,

Foreign Office, October 28, 1865.

I HAVE received your despatch of the 12th ultimo, stating the reasons which have decided you to proceed to Rio Grande for the purpose of presenting to the Emperor of Brazil your credentials as Her Majesty's Envoy to His Majesty's Court; and I have to acquaint you that, under the circumstances stated in your despatch, I approve the course which you intend to adopt.

I am, &c.
(Signed) RUSSELL.

No. 27.

Mr. Thornton to Earl Russell.—(Received November 4.)

My Lord,

River Uruguay, September 26, 1865.

I HAVE the honour to inform your Lordship that Senhor Octaviano, Brazilian Minister on a special mission to the Argentine Republic, received instructions from

Government that in case I should determine to proceed to Uruguayana for the purpose of waiting upon His Majesty the Emperor, he was to accompany me and show all possible attention to Her Majesty's Representative. Senhor Octaviano's state of health, however, did not allow him to undertake so fatiguing a journey, but he deputed Senhor Barreto, the Secretary of Legation, and his brother-in-law, to take his place. I have the honour to inclose translation of the letter in which Senhor Octaviano informed me of the instructions he had received.

We left Buenos Ayres on the 16th instant, and after a journey of seven days, always difficult, and rendered still more so by the great dearth of means of transport arising from the movements of the allied forces, we arrived at Uruguayana on the afternoon of the 22nd instant.

I immediately called upon his Excellency Senhor Ferraz, Minister of War, the only member of the Cabinet who accompanies His Imperial Majesty, and inquired of his Excellency whether His Majesty would grant me an audience for the purpose of delivering the letter by which Her Majesty the Queen had done me the honour of accrediting me as Her Envoy on a special mission to His Imperial Majesty. His Excellency answered me without hesitation in the affirmative, and I therefore addressed to him the note, copy of which I have the honour to inclose, to which I received the answer translation of which is also inclosed, fixing the next day for the audience at His Majesty's encampment, about a mile out of the town.

On the next day his Excellency Senhor Ferraz accompanied me to His Imperial Majesty's encampment attended by a numerous escort, and the Emperor there received me in a large tent which had been constructed that morning for the purpose. His Majesty was accompanied by the Princes Comte d'Eu and Duc de Saxe, and all the chief officers of the Brazilian army were likewise present. I inclose copy of the address I made to His Majesty on the occasion, and of his answer. On my retiring the band played "God save the Queen," and a battalion of rifles presented arms. A few moments afterwards His Majesty sent for me again, and conversed with me for some time in the most affable manner, expressing his great pleasure at the renewal of relations between the two Courts. In fact the manner of His Imperial Majesty, and of all those about him, went to show the satisfaction felt at this event. On my return I was again accompanied by the Minister of War, who even insisted upon coming with me on board the steamer carrying the flag of Admiral Viscount de Tamandaré, to whom I was indebted for the warmest hospitality,—the more valuable on account of the utter absence of all accommodation in the town of Uruguayana, owing to the damage done to the houses by the Paraguayans.

As Senhor Ferraz had not presented me to the Princes, I walked out to the camp in the afternoon in plain clothes, and had the honour of being presented to them.

With reference to the letter transmitted to me by your Lordship from Her Majesty the Queen to Her Majesty the Empress of Brazil, on my mentioning to Senhor Ferraz that it was in my possession, his Excellency invited me to deliver it to him, in order that he might forward it to Her Majesty, and I accordingly inclosed it in a note, copy of which is inclosed.

On my journey to Uruguayana, I passed through the Argentine and Brazilian armies then encamped on the banks of the River Mandisobi. At my request General Gelly y Obes, in command of the Argentine forces, supplied me with horses and men, without which I should have been unable to proceed on my journey. On my subsequently passing through the Brazilian encampment, I found that General Ossorio, who had been apprised of my approach, had also prepared horses to help me on my journey, and a captain with some men was ready to accompany me; but as I already had 120 horses from General Gelly y Obes, I felt it my duty gratefully to decline General Ossorio's offer. Wherever I met Brazilian forces and authorities, I received the most marked attention from them.

His Majesty the Emperor was to start this morning by way of the River Uruguay to pay a visit to the towns of San Borja and Itaquí, which have also been sacked and partially destroyed by the Paraguayans. His Majesty will return in three or four days to Uruguayana, and will then proceed by a route near the frontier of the Republic of the Uruguay to Rio Grande, where he will embark for Rio de Janeiro. Senhor Ferraz told me that His Majesty would be there between the 10th and 15th of November next, but assured me that although I should not have an opportunity till then of presenting my credentials as Her Majesty's Envoy Extraordinary and Minister Plenipotentiary, Senhor Saraiva, the Minister for Foreign Affairs, would receive me as if I enjoyed that character.

I left Uruguayana, accompanied by Senhor Barreto, on the evening of the 24th

instant, and am now on the way down the river, hoping to be at Buenos Ayres to-morrow morning, and to be able to forward this despatch to Monte Video in time to catch the English packet. The next opportunity for Rio de Janeiro will be the French packet, which will leave Buenos Ayres on the 12th of next month, and I shall endeavour to finish my preparations so as to start with my family for my post on that day.

I have, &c.

(Signed) EDWD. THORNTON.

Inclosure 1 in No. 27.

Senhor Octaviano to Mr. Thornton.

(Translation.)

My dear Colleague,

Buenos Ayres, September 15, 1865.

MY Government says to me, "In case Mr. Thornton decides upon presenting himself to the Emperor in Rio Grande, he should be accompanied by the Brazilian Minister to do him the honours of hospitality, and welcome him on the Imperial territory, so far as is possible, so distant from the resources of civilization and in time of war."

My illness prevents me from obeying the Government, and even has deprived me of going with my wife to thank Madame Thornton for her kind visit, because I am unable to get into a coach.

But I beg you will consent to accept my Secretary and your friend Jarbas (Barreto) to accompany you, and he will act for me.

Your friend,

(Signed) F. OCTAVIANO.

Inclosure 2 in No. 27.

Mr. Thornton to Senhor Ferraz.

Uruguayana, September 22, 1865.

THE Undersigned has the honour to announce to his Excellency Counsellor Angelo Muniz da Silva Ferraz, Minister of War, that he is the bearer of a letter from Her Majesty the Queen of the United Kingdom of Great Britain and Ireland to His Majesty the Emperor of Brazil, accrediting the Undersigned as Her Majesty's Envoy on a special Mission to His Imperial Majesty; and he requests his Excellency Senhor Ferraz to take the orders of His Imperial Majesty as to whether he will be pleased to receive the Undersigned for the purpose of delivering Her Majesty's letter, and if so, on what day and at what hour.

A copy of Her Majesty's letter the Undersigned has likewise the honour to inclose, and avails, &c.

(Signed) EDWD. THORNTON.

Inclosure 3 in No. 27.

Senhor Ferraz to Mr. Thornton.

(Translation.)

Uruguayana, September 23, 1865.

THE Undersigned, Minister of War, has the honour of acknowledging the receipt of the note in which his Excellency Mr. Edward Thornton informs the Undersigned that he is the bearer of a letter from Her Majesty the Queen of Great Britain and Ireland, accrediting the same Mr. Thornton with the character of her Envoy on special Mission near His Imperial Majesty, and requesting the Undersigned to solicit from His Majesty the Emperor an audience for the presentation of said credential.

In reply, the Undersigned has the honour to inform his Excellency Mr. Thornton that His Imperial Majesty will receive his Excellency for that object, in his encampment, to-day at noon.

In communicating this reply to his Excellency Mr. Thornton, the Undersigned avails, &c.

(Signed) AGELO MUNIZ DA SA. FERRAZ.

Inclosure 4 in No. 27.

Speech of Mr. Thornton to the Emperor of Brazil.

Sire!

J'AI l'honneur de remettre dans les mains de votre Majesté Impériale la lettre dans laquelle Sa Majesté la Reine d'Angleterre a bien voulu m'accréditer comme son Envoyé en Mission spéciale, près de votre Majesté Impériale, et je supplie votre Majesté Impériale de daigner accueillir avec sa bienveillance reconnue les assurances de sincère amitié et les expressions spéciales que m'ont confiés Sa Majesté la Reine et mon Gouvernement.

Je suis chargé d'exprimer à votre Majesté Impériale le regret avec laquelle Sa Majesté la Reine a vu les circonstances qui ont accompagné la suspension des relations d'amitié entre les Cours de Brésil et de l'Angleterre, et de déclarer que le Gouvernement de Sa Majesté désavoue de la manière la plus solennelle toute intention d'offenser la dignité de l'Empire du Brésil; que Sa Majesté accepte pleinement et sans réserve la décision de Sa Majesté le Roi des Belges, et sera heureuse de nommer un Ministre au Brésil, aussitôt que votre Majesté Impériale sera prête à renouveler les relations diplomatiques.

Je crois avoir fidèlement interprété les sentiments de Sa Majesté et de son Gouvernement, et je suis convaincu que votre Majesté Impériale aura la bonté de les agréer dans le même esprit de conciliation dont ils ont été dictés.

(Translation.)

Sire!

I HAVE the honour to place in the hands of your Imperial Majesty the letter in which Her Majesty the Queen of England has been pleased to accredit me as her Envoy on a special mission to your Imperial Majesty, and I entreat your Imperial Majesty to deign to receive with your known goodwill the assurances of sincere friendship, and the special expressions with which Her Majesty the Queen and my Government have charged me.

I am desired to express to your Imperial Majesty the regret with which Her Majesty the Queen has seen the circumstances that have accompanied the suspension of friendly relations between the Courts of Brazil and England, and to declare that the Government of the Queen disavows in the most solemn manner all intention to offend the dignity of the Empire of Brazil; that Her Majesty accepts fully and without reserve the decision of His Majesty the King of the Belgians, and will be happy to name a Minister to Brazil as soon as your Imperial Majesty will be ready to renew diplomatic relations.

I believe I have faithfully interpreted the sentiments of Her Majesty and of Her Government, and I am convinced that your Imperial Majesty will have the kindness to receive them in the same spirit of reconciliation which has dictated them.

Inclosure 5 in No. 27.

The Emperor of Brazil's Reply to Mr. Thornton.

C'EST avec une sincère satisfaction que je vois renouveler les rapports diplomatiques entre le Gouvernement du Brésil et celui de la Grande Bretagne.

La circonstance que cet heureux événement a lieu où le Brésil et ses loyaux et vaillants alliés viennent de montrer qu'ils savent unir la modération à la défense du droit augmente mon plaisir, et prouve que la politique du Brésil continuera à être inspirée par l'esprit d'une juste et digne harmonie avec toutes les autres nations.

(Translation.)

IT is with sincere satisfaction that I see the renewal of diplomatic relations between the Government of Brazil and that of Great Britain.

The circumstance of this happy event being brought about on the spot where Brazil and her loyal and valiant allies have just shown that they can combine moderation with the defence of right, enhances my pleasure, and proves that the policy of Brazil will continue to be inspired by a spirit of just and dignified harmony with all other nations.

Inclosure 6 in No. 27.

*Mr. Thornton to Senhor Ferraz.**Uruguayana, September 23, 1865.*

THE Undersigned, Her Britannic Majesty's Envoy on a special mission to His Majesty the Emperor of Brazil, has the honour to transmit herewith to his Excellency Counsellor Angelo Muniz da Silva Ferraz, Minister of War, a letter addressed by Her Majesty the Queen to Her Majesty the Empress of Brazil, and to request that his Excellency will have the goodness to cause it to be delivered into the hands of Her Imperial Majesty. A copy of Her Majesty's letter is likewise inclosed.

The Undersigned, &c.

(Signed)

EDWD. THORNTON.

No. 28.

The Earl of Clarendon to Mr. Thornton.

Sir,

Foreign Office, November 6, 1865.

I HAVE received your despatch of the 26th of September last, addressed to Earl Russell, in which you give an account of your journey to Uruguayana for the purpose of waiting on the Emperor of Brazil as Envoy on a special mission from Her Majesty to His Imperial Majesty, and I have to state to you in reply that Her Majesty's Government approve your proceedings on that occasion.

I am, &c.

(Signed)

CLARENDON.

No. 29.

Mr. Thornton to Earl Russell.—(Received November 17.)

My Lord,

Rio de Janeiro, October 23, 1865.

ON arriving here to-day, I considered it my first duty to call upon M. Vasconcellos, the Portuguese Minister to this Court, for the purpose of inviting him to accompany me on my first visit to the Minister for Foreign Affairs. I was fortunate enough to find M. Vasconcellos at home this evening, and he readily consented to what I desired, seeming much gratified at the invitation. I added that I requested this service of him for the purpose of showing to the Brazilian Government how fully Her Majesty's Government recognized the value of the assistance rendered by His Most Faithful Majesty in restoring a good understanding between England and Brazil. We are to pay our proposed visit to his Excellency M. Saraiva to-morrow afternoon.

I have, &c.

(Signed)

EDWD. THORNTON.

No. 30.

The Earl of Clarendon to Mr. Thornton.

Sir,

Foreign Office, November 20, 1865.

I HAVE received your despatch of the 23rd ultimo, reporting your visit to the Portuguese Minister at Rio de Janeiro, and your having invited him to accompany you on your first visit to the Brazilian Minister for Foreign Affairs; and I have to acquaint you that Her Majesty's Government approve the course you have pursued.

I am, &c.

(Signed)

CLARENDON.

No. 31.

Mr. Thornton to Earl Russell.—(Received December 2.)

My Lord,

Rio de Janeiro, November 3, 1865.

I HAVE the honour to inform your Lordship that on the 24th ultimo I paid my first visit to M. Saraiva, Minister for Foreign Affairs. I was accompanied by M. Vasconcellos, the Portuguese Minister to this Court, and I took the opportunity of expressing the grateful sense entertained by Her Majesty's Government of the service rendered by His Most Faithful Majesty in bringing about a renewal of friendly relations between England and Brazil, and of the exertions made by M. Vasconcellos in contributing to that end. M. Saraiva expressed similar sentiments, and spoke of the assistance rendered by M. Vasconcellos in the highest terms.

On the following day I took Rear-Admiral Elliot with me, and presented him to M. Saraiva.

His Excellency returned our visits without delay, to myself at the hotel at which I am staying, and to Admiral Elliot on board Her Majesty's ship "Narcissus."

I have, &c.

(Signed) EDWD. THORNTON.

No. 32.

Mr. Thornton to Earl Russell.—(Received December 2.)

(Extract.)

Rio de Janeiro, November 7, 1865.

ON the 24th ultimo M. Saraiva informed me that although the Brazilian Government had been desirous of naming a Minister to England at the same time that one was appointed by Her Majesty to the Court of the Brazils, they had not been able to do so on account of the absence of the Emperor. His Excellency believed, however, that the appointment would fall upon the former Minister to the Court of St. James's, M. Moreira, lately created Baron de Pinedo, and he asked me whether I thought that that gentleman would be agreeable to Her Majesty's Government. I replied that I had no reason to believe that your Lordship would make any objection to the re-appointment of the Baron de Penedo.

No. 33.

The Earl of Clarendon to Mr. Thornton.

Sir,

Foreign Office, December 6, 1865.

I HAVE received your despatch of the 7th ultimo, stating the views of the Brazilian Government with regard to the appointment of a Minister from the Emperor of Brazil to Her Majesty, and I have to state to you in reply that M. Moreira, now Baron de Penedo, would be acceptable to Her Majesty's Government in that capacity.

I am, &c.

(Signed) CLARENDON.

No. 34.

Mr. Thornton to Earl Russell.—(Received December 20.)

(Extract.)

Rio de Janeiro, November 20, 1865.

HIS Majesty the Emperor granted me on the 14th instant a private audience, when I had the honour to deliver to His Majesty the letter by which Her Majesty the Queen was graciously pleased to accredit me as her Minister to the Court of His Imperial Majesty.

I have the honour to inclose copies of my speech on presenting Her Majesty's letter, and of His Imperial Majesty's answer.

After I had been myself received, I had the honour to present to His Imperial

Majesty Rear-Admiral Elliot and his Staff, and Mr. Lenox-Conyngham, third Secretary to Her Majesty's Legation.

Both Admiral Elliot and I were led to think from His Majesty's manner and expressions that he wished to be friendly and cordial.

We then proceeded to pay our respects to Her Majesty the Empress, to whom I delivered the Queen's letter with which I was charged.

On the following day we waited on their Imperial Highnesses the Count and Countess d'Eu, and to-day on the Duke and Duchess of Saxe.

Inclosure 1 in No. 34.

Mr. Thornton's Speech to the Emperor.

Sire!

J'AI l'honneur de remettre dans les mains de votre Majesté Impériale la lettre dans laquelle Sa Majesté mon auguste Souveraine a daigné m'accréditer comme son Envoyé Extraordinaire et Ministre Plénipotentiaire près de votre Majesté Impériale.

Ce sera pour moi un devoir des plus agréables de faire tout mon possible pour rendre encore plus étroites et cordiales les bonnes relations qui existent heureusement entre le Brésil et l'Angleterre, et je tâcherai, en faisant des efforts pour atteindre ce but désirable, de pouvoir réussir à mériter la bienveillance de votre Majesté Impériale. Comptant sur la bonté et la coopération de votre Majesté Impériale, je ne pourrai pas douter de ce que mes efforts seront couronnés de succès.

(Translation)

Sire!

I HAVE the honour to deliver into the hands of your Imperial Majesty the letter in which my august Sovereign has deigned to accredit me as her Envoy Extraordinary and Minister Plenipotentiary to your Imperial Majesty.

It will be to me a most agreeable duty to do all in my power to render still closer and more cordial the good relations which happily exist between Brazil and England, and I shall endeavour, in making efforts to attain that desirable object, to succeed in meriting the good-will of your Imperial Majesty. Counting upon the goodness and co-operation of your Imperial Majesty, I cannot doubt that my efforts will be crowned with success.

Inclosure 2 in No. 34.

The Emperor's Reply to Mr. Thornton's Speech.

JE suis bien sensible à cette preuve de l'amitié de ma très chère sœur la Reine de la Grande Bretagne. J'espère, Mr. Thornton, que vous serez le fidèle interprète de ce sentiment, et que votre mission contribuera à resserrer les liens qui unissent heureusement nos deux pays.

(Translation.)

I AM highly sensible of this proof of the friendship of my well-beloved sister the Queen of Great Britain. I hope, Mr. Thornton, that you will be the faithful exponent of that sentiment, and that your Mission will contribute to draw closer the ties which happily unite our two countries.

No. 35.

Mr. Thornton to Earl Russell.—(Received December 20.)

My Lord,

Rio de Janeiro, November 21, 1865.

I HAVE the honour to transmit herewith to your Lordship a copy and translation of a note from M. Saraiva, in which his Excellency announces that, on the re-establishment of the Brazilian Legation in London, His Majesty the Emperor has determined to confide it to Baron de Penedo in the same character which he formerly held.

I have, &c.

(Signed) EDWD. THORNTON.

Inclosure in No. 35.

*Senhor Saraiva to Mr. Thornton.**Ministry for Foreign Affairs, Rio de Janeiro,
November 20, 1865.*

(Translation.)

I HAVE the honour to inform Mr. Edward Thornton, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, that His Majesty the Emperor, in re-establishing his Legation in London, has graciously pleased to confide it to Baron de Penedo, in his former character of Envoy Extraordinary and Minister Plenipotentiary.

I have, &c.
(Signed) JOSE ANTONIO SARAIVA.

No. 36.

*The Earl of Clarendon to Mr. Thornton.**Foreign Office, December 21, 1865.*

Sir,

I HAVE received your despatch of the 21st ultimo, announcing the appointment of the Baron de Penedo as Envoy Extraordinary and Minister Plenipotentiary from His Majesty the Emperor of Brazil at the Court of St. James'; and I have to instruct you to express to the Brazilian Government the satisfaction with which Her Majesty's Government will receive M. de Penedo in that capacity.

I am, &c.
(Signed) CLARENDON.

BRAZIL.

Papers respecting the Renewal of Diplomatic Relations with Brazil.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1866.*

LONDON:

PRINTED BY HARRISON AND SONS.

RIVER PLATE. No. 1. (1866.)

CORRESPONDENCE

RESPECTING

HOSTILITIES IN THE RIVER PLATE.

(In continuation of Papers presented to Parliament on the
30th June, 1865.)

*Presented to the House of Commons by Command of Her Majesty, in pursuance of their
Address dated March 2, 1866.*

LONDON:
PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.								Page
1.	Mr. Thornton to Earl Russell ..	..	..	..	..	May	26, 1865	1
2.	Mr. Thornton to Earl Russell ..	..	..	..	..	May	29, —	2
3.	Mr. Lettsom to Earl Russell ..	..	..	..	..	May	18, —	2
4.	Mr. Lettsom to Earl Russell ..	..	..	..	..	May	29, —	2
5.	Mr. Thornton to Earl Russell ..	..	..	..	..	June	8, —	2
6.	Mr. Thornton to Earl Russell ..	..	..	..	..	June	8, —	3
	One Inclosure.							
7.	Mr. Thornton to Earl Russell ..	..	..	..	..	June	12, —	3
	One Inclosure.							
8.	Mr. Thornton to Earl Russell ..	..	..	..	..	June	12, —	5
	One Inclosure.							
9.	Mr. Thornton to Earl Russell ..	..	..	..	..	June	14, —	5
10.	Mr. Thornton to Earl Russell ..	..	..	..	..	June	22, —	5
	One Inclosure.							
11.	Mr. Thornton to Earl Russell ..	..	..	..	..	June	24, —	8
12.	Mr. Thornton to Earl Russell ..	..	..	..	..	June	24, —	8
	Six Inclosures.							
13.	Mr. Lettsom to Earl Russell ..	..	..	..	..	June	24, —	12
	Two Inclosures.							
14.	Mr. Lettsom to Earl Russell ..	..	..	..	..	June	27, —	13
	One Inclosure.							
15.	Mr. Thornton to Earl Russell ..	..	..	..	..	July	11, —	17
16.	Mr. Thornton to Earl Russell ..	..	..	..	..	July	26, —	18
17.	Mr. Thornton to Earl Russell ..	..	..	..	..	August	11, —	18
18.	Mr. Thornton to Earl Russell ..	..	..	..	..	August	21, —	19
19.	Mr. Thornton to Earl Russell ..	..	..	..	..	August	21, —	19
20.	Mr. Lettsom to Earl Russell ..	..	..	..	..	August	24, —	20
	Two Inclosures.							
21.	Mr. Thornton to Earl Russell ..	..	..	..	..	September	8, —	21
22.	Mr. Thornton to Earl Russell ..	..	..	..	..	September	11, —	21
	One Inclosure.							
23.	Mr. Pakenham to Earl Russell ..	..	..	..	..	September	26, —	22
24.	Mr. Lettsom to Earl Russell ..	..	..	..	..	September	25, —	23
25.	Mr. Pakenham to Earl Russell ..	..	..	..	..	October	27, —	23
26.	Mr. Pakenham to Earl Russell ..	..	..	..	..	November	25, —	23
	One Inclosure.							
27.	Mr. Pakenham to Earl Russell ..	..	..	..	..	November	25, —	25
28.	The Earl of Clarendon to Mr. Ford ..	..	..	..	..	January	6, 1866	25
29.	Mr. Ford to the Earl of Clarendon ..	..	..	..	..	December	23, 1865	25
30.	Mr. Ford to the Earl of Clarendon ..	..	..	..	..	January	26, 1866	25

RETURN to an Address of the Honourable the House of Commons, dated March 2, 1866;

for—

“A Copy of further Correspondence relative to the War in the River Plate (in continuation of Papers already laid upon the Table).”

No. 1.

Mr. Thornton to Earl Russell.—(Received July 2.)

My Lord,

Buenos Ayres, May 26, 1865.

THE last news from the Province of Corrientes is of the 19th and 21st instants. It seems certain that the Paraguayan army, from 16,000 to 18,000 men strong, is advancing along the left bank of the Parana, and that its advanced guard was at those dates about ten miles below Bella Vista.

General Pannero with 4,000 Argentines, who had been sent from Buenos Ayres, had gone up the river as far as Empedrado in the Brazilian gun-boats, but, on the advance of the Paraguayan army they retreated to the Rincon de Soto, a few miles below the position of the Paraguayan advanced guard, where they still were on the 21st instant.

In another direction 4,000 Paraguayans have taken possession of the small town of Santo Tomé on the right bank of the Uruguay, opposite the Brazilian territory of Uruguayana. 6,000 Paraguayans are quartered at Candelaria, on the left bank of the Parana, nearly opposite the Paraguayan fort of Itapua.

A Brazilian army of 14,000 men, under General Osorio, is now encamped at Paisandu on the left bank of the Uruguay; General Canavarro has about 8,000 more in the Uruguayana. The former are in a very sickly state; before leaving Monte Video they lost about 800 men, principally from dysentery, and 700 more remained in the hospitals of that city. Now small-pox has broken out with violence in the encampment at Paisandu.

The allies are yet uncertain where the 6,000 Paraguayans now stationed at Candelaria are to be sent, whether to Corrientes to join their countrymen in that direction, or to Santo Tomé, thence to make an incursion into the Brazilian province of Rio Grande.

I understand that General Pannero with his 4,000 Buenos Ayreans, and General Caceres with 5,000 natives of Corrientes, are instructed to fall back towards the upper part of the River Corrientes, where they will be joined by General Urquiza with 7,000 men and General Hornos with 2,000 men from Entre Rios.

The Brazilian gun-boats, having then no more to do with General Pannero, will proceed up the River Parana for the purpose of attacking the Paraguayan steamers, and intercepting the communications between Paraguay and Corrientes.

Should the Paraguayan army of Corrientes be increased by the 6,000 men at Candelaria, and continue to advance, it is intended that General Urquiza should retreat until joined by a sufficient force either of Argentines or Brazilians to enable him to hold his ground.

If, on the other hand, it should seem that the Paraguayans are marching a large force for the invasion of Rio Grande, General Urquiza will proceed towards Santo Tomé and join General Canavarro, whilst the Brazilian army at Paisandu will operate against the Paraguayan army of Corrientes.

General Mitre tells me he will leave Buenos Ayres to take command of the army in a few days. His Excellency is to be accompanied by the National Guard of Buenos Ayres, and I imagine that the delay in his departure has been caused by some difficulty in bringing together, organizing, and arming this body.

I have, &c.

(Signed) EDWD. THORNTON. .

No. 2.

Mr. Thornton to Earl Russell.—(Received July 3.)

(Extract.)

Buenos Ayres, May 29, 1865.

SEÑOR ELIZALDE has just informed me that General Pannero, commanding 4,000 men, determined to go up to Corrientes, and left the anchorage below Bella Vista on the 21st instant for that purpose. His force was on board eighteen vessels, of which twelve were Brazilian gun-boats, and the rest transport steamers. This squadron passed Bella Vista on the 22nd, and would be at Corrientes on the 23rd instant.

General Caceres with 7,000 men was at the same time to proceed by land to Corrientes. His force being all mounted would, of course, go much faster than the Paraguayans, who are on foot.

These two Generals hope to surprise the town while still garrisoned by only 2,000 men; but it is more than likely that General Lopez will arrive there before either General Pannero or General Caceres.

In case of succeeding in this enterprize, it was the intention of these Generals to come down the river upon the rear of the Paraguayan advanced guard.

No. 3.

Mr. Lettsom to Earl Russell.—(Received July 3.)

(Extract.)

Monte Video, May 18, 1865.

I HAVE the honour to acquaint your Lordship that after several delays brought about by the indisposition of Brigadier-General Flores, and secondly by the unfavourable state of the weather, the triple alliance of Brazil, the Argentine Republic, and the Oriental Republic of the Uruguay was yesterday officially proclaimed in the court-yard of the Government House.

Almost all the newspapers, in speaking of the ceremony, declare that it was hailed with the utmost enthusiasm.

No. 4.

Mr. Lettsom to Earl Russell.—(Received July 3.)

(Extract.)

Monte Video, May 29, 1865.

I HAVE the honour to acquaint your Lordship that Dr. de Castro has to-day promised to let me have next week, for transmission to Her Majesty's Government, a copy of the Treaty touching Paraguay recently signed at Buenos Ayres between the Argentine Republic, Brazil, and Uruguay, and his Excellency has further undertaken to place in my hands a copy of the additional Articles annexed to that Treaty.

The details of the Treaty are, it is true, not made public as yet, but many persons conceive they know what are its chief provisions.

Dr. de Castro informed me to-day that Brigadier-General Flores will probably leave this place about the middle of next month with the view of commencing actively the preparations for the campaign.

No. 5.

Mr. Thornton to Earl Russell.—(Received July 20.)

My Lord,

Buenos Ayres, June 8, 1865.

THE Brazilian Government have consented to advance to the Argentine Republic as a loan the sum of 1,000,000 of hard dollars, or about 200,000*l.* sterling. This loan is to be repaid out of that which Señor de la Riestra is instructed to negotiate in London, or if the latter should fail, from the general revenue of the Republic.

As the Argentine Government were quite unprepared for the war which has been forced upon them by President Lopez, they found the greatest difficulty in procuring the necessary arms for their forces, nor could the Brazilians assist them in this matter. But

they have now succeeded in purchasing here almost a sufficient number for their present wants, and more are daily expected from different parts of Europe.

I have, &c.

(Signed) EDWD. THORNTON.

No. 6.

Mr. Thornton to Earl Russell.—(Received July 20.)

My Lord,

Buenos Ayres, June 8, 1865.

I HAVE the honour to inclose translation of a law passed by the Argentine Congress, and published on the 5th instant, authorizing the Executive power to raise an army of 25,000 men. This is to be effected by raising the forces of the line to 10,000 men, and enrolling the National Guard to the number of the remaining 15,000. The troops of the line are to be raised by voluntary enlistments, by recruiting, and by contingents from the provinces of the Republic, in proportion to their respective populations.

I have, &c.

(Signed) EDWD. THORNTON.

Inclosure in No. 6.

Decree, dated June 2, 1865.

(Translation.)

THE Senate and Chamber of Deputies of the Argentine nation, united in Congress, sanction according to law—

Article 1. That the Executive Power is authorized to form an army of 25,000 men.

Art. 2. That for the formation of the above-mentioned army, the Executive Power is authorized to raise the army to 10,000 soldiers, and to mobilize the National Guard as may be necessary to complete the number allowed in Art. 1.

Art. 3. The regular army shall be raised by voluntary enlistment, by recruiting, and by contingents furnished by the provinces of the Republic proportionally, according to their population, and in conformity with the orders which may be sent by the Executive Power.

Let this be communicated to the Executive Power.

Given in the Hall of Congress 2nd of June, 1865.

(Signed)

MARCOS PAEZ.

JOSE E. URIBURU.

CARLOS M. SARAIVA, *Secretary of the Senate.*

BERNABE FUINTANA, *Secretary of the Chamber of Deputies.*

June 5, 1865.

Let this be carried out, communicated, published, and delivered to the National Registry.

(Signed)

JUAN A. GELLY Y OBES.

(Signed)

MITRE.

No. 7.

Mr. Thornton to Earl Russell.—(Received July 20.)

My Lord,

Buenos Ayres, June 12, 1865.

WITH reference to my despatch of the 29th ultimo, I have the honour to inform your Lordship that the expedition under General Pannero, which I therein stated was on its way to Corrientes, arrived off that town on the 25th ultimo, and proceeded to land. After a short but somewhat severe struggle, the Argentine force succeeded in dislodging the Paraguayans and recapturing the town. I have the honour to inclose copy of Mr. Pakenham's account of the affair. General Pannero, in his official report, states that he lost 3 officers and 58 men killed, and 25 officers and 150 men wounded. Of these officers 2 have since died of their wounds. The Paraguayan loss is estimated by the Argentines at 700 killed and wounded, of which 200 killed and 80 prisoners.

But General Pannero not having been joined by General Cáceres as he had expected, and hearing that a force of 6,000 Paraguayans was approaching, deemed it prudent to evacuate the town, which he effected during the night of the 26th ultimo. He then proceeded down the river about twenty miles, and subsequently still lower to the town of Esquina, about seventy miles below the Paraguayan army under General Robles, which by the last news was on the River Santa Lucia, a little above the town of Goya.

It is supposed that by this time General Pannero will have formed a junction with General Cáceres' force of 7,000 men, and General Urquiza's of 8,000; the latter would then take the command.

The momentary occupation of Corrientes, the capture of which cost some valuable lives, principally of the foreign legion, seems to have been of little practical use, except to release many of the native families whom the Paraguayans had not allowed to leave the town.

Seven Brazilian gun-boats proceeded up the river on the 27th ultimo to the Tres Bocas, and it is supposed that they will be able to prevent any more Paraguayan forces from crossing the Parana into the Province of Corrientes. But it would appear that a considerable force crossed on the 26th ultimo, for it is reported that the town was reinforced on the 29th by 9,000 Paraguayans, and it is believed that President Lopez himself is with them.

General Mitre has decided that the bulk of the allied forces shall assemble at Concordia in Entre Rios, on the right bank of the Uruguay. The 14,000 Brazilians lately quartered about Paisandu have started for Concordia, where they will be joined by 10,000 of their countrymen under General Canavarro, who comes from the Uruguayana. General Flores has promised to be at the same point on the 16th instant with 4,000 Montevideans, and General Mitre, who tells me that he shall leave Buenos Ayres the day after to-morrow, will have with him about 5,000 men, principally of the National Guard of this province, about half of whom started yesterday and the day before. General Mitre will then be at the head of 33,000 men, and should General Urquiza, finding the Paraguayan army too strong for his force, retreat until he may fall in with the main army, General Mitre would have under his immediate orders 52,000 men. He believes, and I think he is right, that President Lopez cannot possibly throw more than 35,000 men into the Province of Corrientes.

The Paraguayans I believe to be well armed, furnished with good artillery, and accustomed to implicit obedience; but though they may stand well to their guns, I doubt whether either officers or men will show much intelligence in their fighting. They will too, for the present, labour under the disadvantage of fighting in an enemy's and thinly populated country, and it will prove but little skill on the part of their adversaries if they do not soon find themselves short of provisions.

I have, &c.
(Signed) EDWD. THORNTON.

Inclosure in No. 7.

Mr. Pakenham to Mr. Thornton.

(Extract.)

Corrientes, May 26, 1865.

I HAVE the honour to inform you that the Argentine forces, in number about 2,500 men, under the command of General Pannero, arrived at this place yesterday at about 10:30 A.M., on board a flotilla of steamers escorted by eight Brazilian gun-boats under the command of Comodoro Gomensoro and Barroso.

The Paraguayan war-steamer "Pirabebé," after firing one shot, retreated in the direction of Paraguay, and the Paraguayan forces, about 1,500 men, were disposed in the town to oppose a landing should such be attempted.

A landing was effected at about 3 P.M., but not at the point expected by the Paraguayans, being to the right of the town instead of at the other end of it, where preparations had been made to repel them. The Argentine forces were landed from the transports under cover of the Brazilian gun-boats, the fire from which was very inaccurate, and caused casualties among the troops landed.

After a protracted resistance and considerable hand-to-hand fighting, the Paraguayans were forced to retreat into the town, closely pursued by the victorious Argentines, and by this morning they had entirely evacuated it, and it is now in complete possession of the allies.

The losses on both sides are very severe, as the Paraguayans offered a desperate resistance, and being a good deal under cover, were able to inflict considerable loss on the

advancing troops without much exposure of themselves. The Argentines have to lament the loss of a very large number of officers, and it is supposed they were specially aimed at by the Paraguayan marksmen. The total loss on the side of the allies is supposed to amount to about 160, and the wounded are said to be mostly very seriously injured.

The Paraguayan loss is set down at rather below that of the Argentines, but a large quantity of arms, &c. has fallen into the hands of the latter. General Pannero has not been wounded, and I had the pleasure of speaking to him to-day in the Plaza.

No. 8.

Mr. Thornton to Earl Russell.—(Received July 20.)

My Lord,

Buenos Ayres, June 12, 1865.

I HAVE the honour to transmit herewith copy of a Decree issued on the 10th instant, to the effect that, during the absence of his Excellency the President, the national Executive power shall be exercised by the Vice-President, Don Marcos Paz.

I have, &c.

(Signed) EDWD. THORNTON.

Inclosure in No. 8.

Decree, dated June 10, 1865.

(Translation.)

Home Department, Buenos Ayres, June 10, 1865.

THE President of the Republic, having to absent himself from the territory of his residence, with permission for the purpose from the National Congress, has resolved and decrees:—

Article 1. As long as the absence of the President of the Republic may last, the national Executive power shall be exercised by the Vice-President of the same.

Art. 2. Monday the 12th instant, at 1 o'clock, is appointed for the Vice-President to take possession of his office.

Art. 3. Let it be communicated to the proper persons, be inserted in the National Register, and published.

(Signed)

WILLIAM RAWSON.

(Signed)

MITRE.

No. 9.

Mr. Thornton to Earl Russell.—(Received August 3.)

(Extract.)

Buenos Ayres, June 14, 1865.

THE Treaty of Alliance concluded between Brazil, the Argentine Republic, and that of the Uruguay, has now been ratified by His Majesty the Emperor of Brazil, and its ratifications were exchanged yesterday in this city.

On the part of the Republic of the Uruguay, the Minister for Foreign Affairs, Señor de Castro, came here for the purpose.

No. 10.

Mr. Thornton to Earl Russell.—(Received August 3.)

My Lord,

Buenos Ayres, June 22, 1865.

AS the Brazilian squadron were lying about two miles below the town of Corrientes on the 11th instant, eight Paraguayan steamers appeared coming from above, and having in tow six roughly-built flat boats, each armed with a heavy gun. These steamers passed the Brazilian squadron, and broadsides were exchanged; but as the current is strong, they passed quickly, and not much damage was done. They went on about seven miles, and ranged themselves under the guns of a battery which had been prepared on the shore by the Paraguayan land forces.

The Brazilian squadron followed them down and engaged them. The action lasted from about half-past 9 in the morning till nearly 6 in the evening. The Brazilians gained a decided victory. Three of the Paraguayan steamers were sunk, a fourth was burnt, one of the flat gun-boats was sunk, and the rest captured. The remaining four steamers fled and escaped.

On the part of the Brazilians, who had nine steamers in action, the steamer "Jequitinhonha" grounded at almost the beginning of the engagement under the guns of the battery, and it was subsequently found necessary to abandon her. The "Belmonte" was also so much damaged that it was found necessary to run her on a bank where she half filled with water. The remaining vessels suffered considerably; indeed, fighting under the guns of a land-battery, it could hardly be otherwise.

The Brazilian official report gives from 180 to 190 killed and wounded, of which from 80 to 90 killed. The Paraguayan loss is not known, but must have been very much greater. Subsequent efforts by the Brazilians to save the "Jequitinhonha" were unsuccessful, and the last news states that she had been finally abandoned. But the "Belmonte" has been repaired, is again afloat, and is in working order.

From what I know of the Paraguayan navy, I should say that there is now no doubt that the Brazilians will be able to hold the dominion of the River Parana.

I have the honour to inclose translation of Commodore Barroso's official report of the engagement of the 11th instant. His flagship, the "Amazonas," seems to have inflicted the most damage upon the enemy, as she sunk three of the Paraguayan steamers by going at them stem on.

I have, &c.
(Signed) EDWD. THORNTON.

Inclosure in No. 10.

Commodore Barroso to Vice-Admiral Tamandaré.

(Translation.) On board the steamer "Amazonas," anchored below Riachuelo,
Most Illustrious and Most Excellent Admiral, in Corrientes, June 12, 1865.

WE have not done all, but we have done what we could. On the 11th instant, Trinity Sunday, four Paraguayan war steamers and six rafts with swivel guns of 80lbs. calibre, were captured by the division under my command. I proceed to report the affair to your Excellency, although laconically, for, fatigued as I still am, it is impossible for me to do it otherwise. At 9 A.M., when sitting down to breakfast, the out-look reported a steamer coming down, then two, then three, and so on to eight; in consequence there was a general clearing for action throughout the division, and the guns ranged.

They came down with the current of the river, which could not be less than twelve miles, and in a quarter of an hour the eight Paraguayan steamers with the six rafts in tow passed in front of us, which we saluted in due form, they returning the compliment. There was a shower of balls and grape-shot, and a shower of salutations on both sides. They proceeded downwards and took their station near the Riachuelo. As chief of this division, which had been confided to me by his Excellency Vice-Admiral Viscount de Tamandaré, I attempted to give a day of glory to the nation, causing our flag to be respected.

I had a thousand things to attend to, which was difficult to do with our confused plan of signals. I thought my descent upon them with the squadron would be unsuccessful, because they could turn round two or three islands that have a channel with very little water, and by which they might ascend without even one of them remaining. Remaining stationary I could send nothing down, and they might go up behind the islands; I had therefore to choose one of these alternatives. I resolved to go down with the "Belmonte," Commander Joaquin Francisco Alsen in the van, which she did gallantly, not followed by the other steamers, because they remained behind the "Amazonas," on account of the greater speed of this steamer, in which I myself was. They waited for us; and why? They were under high banks before leaving the Riachuelo in coming down. The six rafts with 80-pounders were advantageously placed, and on the high banks there were batteries of at least twenty guns. They might probably be the twenty-two guns that I formerly told your Excellency I knew had arrived at Corrientes. These twenty or twenty-two guns, supported by the musketry of at least 1,000 pieces, poured a deadly fire upon our vessels, which they replied to with a hearty good will.

In this descent, "Jequitinhonha," in which Commander Segundino had his flag, unfortunately got aground. I would have turned immediately to fight them anew, but the narrowness of the channel did not admit of it without first descending a great distance to effect it. Fortunately I had on board the pilot Bernardino, who may be called the king

of pilots, and is the same that ascended with our squadron ten years ago, and has since then been in our service. I advanced, and my determination was to finish at once with the whole Paraguayan squadron, which I would have done, had not four of the steamers, which were the highest up, fled.

I directed the prow against the first, which I smashed, destroying her so completely that she soon filled and sank. I repeated the same operation with the second, which was the "Marques de Olinda," destroying her, and afterwards with the third, the "Salto," which remained in the same state.

The four remaining ones, seeing the manœuvre that I was practising, and that I was disposed to do the same with them, managed to escape up the river. After destroying the third steamer, I directed the prow against a raft, which, from the shock and a discharge, sank. All these operations, most excellent Admiral, were executed by the "Amazonas," under a heavy fire from the vessels and rafts, as also from the land batteries and the shot of 1,000 muskets. Our intention was to destroy in this way the entire Paraguayan fleet before it could go up or down, because sooner or later it must necessarily get aground, as the channel at that place is very narrow. This task finished, about 4 P.M. I succeeded in taking the rafts, which were abandoned on my approaching them, all the men jumping into the river and swimming to land, which was at a short distance.

The Paraguay steamer "Paraguay," of which I have not yet spoken, in coming down received such damage in the hull and boilers that she had to run aground on an island in front, and all the crew jumped out of her and fled, abandoning the vessel.

The "Belmonte" received such damage under water-mark, that she was obliged to run aground, so as not to sink. She filled with water to within two feet of the deck, the provisions, powder, and all else being lost. I endeavoured to have the damage repaired in the best manner I could.

Unfortunately the "Jequitinhonha" remained aground, where the land battery kept up a brisk fire upon her, which was returned. About sunset the firing slackened, I suppose from want of ammunition. I ordered the "Iguatemi" to go and assist in getting her off; the "Ipiranga" to take her station alongside the Paraguay steamer; the "Amazonas" beside the "Belmonte," that was full of water. The "Mearim" went to tow the "Paranahiba" to where we are, she having lost her helm. Having made these arrangements a boat came from the "Jequitinhonha," with Lieutenant Montes Vastos, to tell me that Commander Segundino required besides a gun-boat, for having taken the "Ipiranga" to assist them, she had also got aground, and the "Iguatemi" alone could do nothing. I then ordered the "Mearim" to go after she had transhipped Doctor Antuhis, who had gone to make some amputations. When the Paraguayan steamers were coming down the river, four of them at the same time attempted to board the "Paranahiba," her Commander, Lieutenant-Captain Aurelio Garsindo Fernandez de Sa, as he was descending at the time directed his prow against the "Paraguay," fired his swivel gun, and she grounded opposite the island.

One of the other three steamers, attempting to board her by the bows, was unable to effect it, from the resistance she met with, whilst the other two by the stern threw in upwards of thirty Paraguayan troops of the line, who, getting possession of the deck, killed those that were upon it, among them the Captain of the 9th battalion, Pedro A. Ferreyra, and Midshipman Grengalghis, who defended the flag with great bravery and courage.

These officers died at the post of honour. The reinforcements they expected then came up, and boarding by the prow made such havoc that the Paraguayans who had leaped on board were all killed, thus paying their temerity with their lives.

This vessel had thirty-three killed, twenty-eight wounded, and twenty missing, who are supposed to have fallen into the river during the defence which they made.

We have in the whole squadron between killed and wounded from 180 to 190, of these from 80 to 90 killed, including officers, sailors, and marines.

What shall I say to your Excellency of the Commanders? That, in my opinion, all have behaved well, and have assisted me more or less as was to be expected. Any distinction that I could make would only give offence; for, pre-occupied with the wish of annihilating the whole Paraguayan fleet, I had not time to attend to each ship in particular, for I frequently lost sight of them. Afterwards I will give you a detailed account. I know positively, from his always being with me and by my side at the post of honour, upon the deck of the "Amazonas," that her Commander, Frigate-Captain Teotónio Raimundo de Britto, behaved gallantly and coolly, always adopting the measures necessary in the given case. All the officers behaved as in duty bound. Amongst these I saw the First Lieutenant, Jose A. Lopez, entrusted with the prow battery, conduct himself bravely and gallantly.

Colonel John William Bruce, Commander of the brigade, already known for his bravery, co-operated by leading the forces to the points from which they could best annoy the enemy.

Not having received as yet the particular reports, I will remit them by the first opportunity.

God preserve, &c.

(Signed) F. MANUEL BARROSO, *Commander-in-chief.*

No. 11.

Mr. Thornton to Earl Russell.—(Received August 3.)

My Lord,

Buenos Ayres, June 24, 1865.

NEWS has reached Buenos Ayres, that on the 10th instant a Paraguayan force of about 2,000 men crossed the River Uruguay, nearly opposite to the town of San Borja, in the Province of Rio Grande, in rafts and small boats, the latter of which they brought with them in waggons. They were opposed by the Brazilian Colonel Fernandez with 300 men of the National Guard, but the latter finding that he could not prevent their crossing the river, retired to the town of San Borja, where he prepared to defend himself. The Paraguayans at once invested the town, and were soon joined by a larger force, making their numbers amount to about 8,000 men. On the 14th instant, Colonel Fernandez was joined by a regiment of 700 men who had just arrived from Rio de Janeiro, and who, being at a distance of about fifteen leagues, when they heard of the advance of the Paraguayans and of Colonel Fernandez's danger, advanced rapidly and cut their way through the Paraguayans into the town. This force, now amounting to 1,000 men, still held out in San Borja on the 15th instant, and it was hoped that General Canavarro, who was in the Uruguayan with 4,000 men at seventeen leagues distance, would hurry to the assistance of his besieged countrymen.

This movement on the part of the Paraguayans would seem to indicate that they intend to invade the Province of Rio Grande in force. It is now said, and Senhor Octaviano assured me, that the division of the Paraguayan army, a portion of which has crossed the Uruguay and attacked San Borja, is 22,000 strong. But upon the strength of the Paraguayan forces in general, it is extremely difficult to obtain correct information. The Argentine Government themselves are equally ill-furnished with it.

On the side of the Parana, the Paraguayan General Robles with the army under his command, advanced from the River Santa Lucia to the town of Goya. Here, however, he remained but a short time, and suddenly began to retreat much more rapidly than he had advanced. Arrived at San Roque, it is said that he divided his army, sending one part towards the town of Corrientes, and retiring himself with the other towards the Tranquera de Loreto, on the left bank of the Parana, opposite Paraguay proper.

General Cáceres with his men of the Province of Corrientes was following in General Robles' footsteps, partly for the purpose of harassing his rear-guard, and partly of watching his movements. It is suspected that General Robles has been ordered to join the division which seems bent upon invading the Province of Rio Grande.

In the meantime General Mitre, with the allied army at Concordia on the Uruguay, is in a fair position for moving to any point towards which the bulk of the Paraguayan forces may advance.

I have, &c.

(Signed) EDWD. THORNTON.

No. 12.

Mr. Thornton to Earl Russell.—(Received August 3.)

My Lord,

Buenos Ayres, June 24, 1865.

LIEUTENANT JOHNSON, commanding Her Majesty's gun-boat "Dotterel," returned to this port on the 22nd instant, from his expedition up the Parana and Paraguay. I have the honour to inclose some interesting letters addressed to me by Mr. Pakenham. From these, your Lordship will see of how much service the "Dotterel" has been in assisting British subjects and in releasing some, whose detention in Paraguay amounted almost to an imprisonment.

With reference to the fifteen Paraguayans whom Lieutenant Johnson saved from the

wreck of the Paraguayan steamer of war "Marques de Olinda," and some of whom were very dangerously wounded, on hearing that they were on board the "Dotterel," I applied to the Argentine Government that they might be landed here and taken care of, adding that, of course, they could not be considered as prisoners, having been saved by the "Dotterel." The Vice-President, to whom I spoke on the subject, gave me his word that these Paraguayans should enjoy their full liberty. Ten of them who were wounded, are in the native hospital, where they are well attended to, and the other five are at liberty, provided with a certificate to that effect signed by myself.

I cannot refrain from expressing to your Lordship my high opinion of the tact, discretion, and good sense shown by Lieutenant Johnson and Mr. Pakenham during their late expedition in carrying out the suggestions that I had made to them for their guidance, and my regret that the former is about to leave this station at a time when an officer of so much prudence and judgment is peculiarly useful.

I have, &c.
(Signed) EDWD. THORNTON.

Inclosure 1 in No. 12.

Mr. Pakenham to Mr. Thornton.

(Extract.)

Asuncion, June 6, 1865.

HEREWITH copies of Señor Berges' letter and of Lieutenant Johnson's reply, mentioned in my note of the 1st June.

Considering the acts of the Paraguayans, I do not think Lieutenant Johnson could have said more.

Inclosure 2 in No. 12.

Señor Berges to Lieutenant-Commander Johnson.

(Translation.)

Lomas, May 31, 1865.

ON the 29th instant, I had the honour of receiving a visit from you, when you gave me the following information:—

That various families, native and foreign, fearing the chances of war, had requested from you that a given locality should be designated wherein the families might be free from the hostilities of the belligerents.

That part of the pretensions which belonged to the superior Gubernatorial Junta I brought to their knowledge, and, according to their reply, they believed anything resolved on this point was premature. It is now my duty to free the honour, morality, and discipline of the Paraguayan forces, during their stay in the town of Corrientes, from every blame which may be thrown upon them, and you will allow me to address you this communication, expressing my desire to know if the Commander has received any knowledge of, or received himself, complaints from the families, for whom he requests a neutral locality, of damages or injuries of any class whatever done to their persons and property by the Paraguayan garrison.

I likewise beg you, if such injuries have taken place, to be so good as to name the injured, for we cannot be blamed for the vandalic acts and assaults which the enemy committed during his few hours occupation of Corrientes.

With such reason, it gives me pleasure to renew, &c.

(Signed) JOSE BERGES.

Inclosure 3 in No. 12.

Lieutenant-Commander Johnson to Señor Berges.

Sir,

"Dotterel," at Corrientes, June 1, 1865.

I HAVE to acknowledge the receipt of your Excellency's letter of yesterday's date, and which reached me this morning.

With reference to the unfavourable reply of the Supreme Junta to my request for the appointment of a place of refuge whither families might retire in case of need, I have no further observation to make.

As regards the security of the lives and properties of foreign residents in this city and neighbourhood, I regret to say that some complaints have reached me, as to the irregular conduct, in some instances, of the Paraguayan troops; but as these matters will probably, at some future time, be brought formally before your Excellency through another channel, I must respectfully decline entering upon them.

As far as I have had opportunities of personal observation, and according to common report, the discipline and order maintained by the Paraguayan forces seems to leave but little to desire; but I regret to say that a painful incident which I witnessed yesterday, coupled with one or two other circumstances which have reached me, have caused me to feel some misgiving on this subject.

I have the honour to offer your Excellency my best thanks for the courtesy with which you have invariably received me, and to renew, &c.

(Signed) W. F. JOHNSON.

Inclosure 4 in No. 12.

Mr. Pakenham to Mr. Thornton.

Sir,

Asuncion, June 7, 1865.

WITH reference to my letter of 1st instant, which has I hope by this time reached you, I have the honour to inform you that Her Majesty's gun-boat "Dotterel" quitted her anchorage in front of Corrientes at about 7 A.M. on the 2nd instant; but proceeding to Asuncion, in execution of the orders of Admiral Elliot, and not to the rear of the Brazilian squadron, as requested by Commodore Barroso.

This movement was completely unexpected by the public at large, and met with no apparent notice on the part of the Brazilian squadron.

At about 2.30 A.M., we reached Tres Bocas, or Paso de la Patria, where we found six Paraguayan wooden launches, each carrying one heavy gun, ranged along the coast of Corrientes opposite the mouth of the Paraguay, as also the "Pirabebé" (late "Ranger"). About seven or eight field-pieces were discernible at different openings in the bushes, and a rather large force of infantry and cavalry seemed close at hand.

Having exchanged visits with the commander of the "Pirabebé," the "Dotterel" proceeded on her course to Humaitá, which she reached on the 4th at about 8 A.M. Lieutenant Johnson and I lost no time in paying our respects to the commandant, who, however, politely requested us to continue our journey as quickly as possible, and as to the fate of about twelve British subjects, the crew of the late "Ranger" detained at Humaitá, he said we must take the President's pleasure, as he, the commandant, had no orders on the subject. At about 11 A.M., therefore, the "Dotterel" left for Asuncion.

As regards the fortress of Humaitá itself, it did not give us any great idea of its powers of resistance to skilled artillerists and riflemen. We counted 116 pieces of cannon, heavy and light, but all these pieces, with the exception of one heavy battery of 16 guns, are *en barbette*, and the crews of the guns are utterly unprotected from shell, canister, or rifle bullets. As regards the heavy 16-gun casemated battery, the embrasures appear to be wrongly constructed, according to modern ideas on such subjects, the large aperture of the embrasure facing the enemy, and becoming an excellent target for riflemen, almost all of whose bullets must tell on the crew of the gun within.

The guns supposed to be in position on the piece of land opposite the entrance of Humaitá clearly should be there (though they were completely invisible to us), as an enemy might otherwise take up his position behind the point, and shell the place unmolested. The boom is composed of three iron chains led across the river on about ten pontoons to a small schooner, between which and the cliff is the only channel, which is closed at will by elevating the chain through a capstan.

We were not allowed to inspect the camp or any of the forts during our short stay at Humaitá. We heard that many masked batteries had been constructed along the shore between Humaitá and Asuncion, but we could not make out any.

The "Dotterel" reached Asuncion on the 6th instant at about 10 A.M.

I have, &c.

(Signed) F. PAKENHAM.

Inclosure 5 in No. 12.

Mr. Pakenham to Mr. Thornton.

(Extract.)

Corrientes, June 13, 1865.

THE "Dotterel" anchored at Humaitá on her downward course on the 12th instant, at about 11 A.M., and Lieutenant Johnson lost no time in inquiring when he could be allowed to pay his respects to his Excellency President Lopez. He was shortly informed that the President would receive both him and me at once, and we accordingly proceeded to obey his Excellency's summons.

Before going any further, I may say that the four crippled survivors of the flotilla which, eight in number, his Excellency had sent down the river to attack the Brazilian squadron, were just arriving at Humaitá and discharging their cargoes of wounded, &c.; but Lieutenant Johnson and I had no choice but to obey the summons conveyed to us by one of his Excellency's aides-de-camp, more especially as we had on board private letters and parcels for his Excellency from Asuncion.

The President said that the thirteen British subjects detained at Humaitá should be at once placed on board the "Dotterel," but he declined to allow the Italian vessel, on board of which they were, to quit the port.

We then acquainted his Excellency with the fact of our visit at Villafranca on the previous day, informing him that our only object was to be permitted to have an interview with our unfortunate countrymen, and expressing regret that the orders of the commandant of that place did not allow him to grant us such a favour or permit us to make a request by telegraph to his Excellency to that effect.

His Excellency, I regret to say, appeared to take the fact of our visit to Villafranca with a very bad grace, and made various observations to the effect that the Commandant of Villafranca had orders to refuse access to all his prisoners, and that he was strictly in execution of his duty in denying us admittance. This we never disputed, and we said that the commandant had fully and faithfully acted up to his instructions. His Excellency, however, kept constantly referring to this, as though inclined to take offence, whether with or without just cause.

We accordingly changed the subject of conversation; but I grieve to say that the new topic proved still more unpalatable to his Excellency than the former.

It was to the following effect:—

Information having reached Lieutenant Johnson from several quarters that a British subject, Hugh Bain, was chief engineer on board the "25 de Mayo" at the time of her seizure by the Paraguayans at Corrientes, and that as rather sinister rumours were current as to what had become of him, we requested, with all respect, that his Excellency would kindly give us such intelligence as to his fate as lay in his power for the information of the British Admiral, and for the comfort of his widow should it be true, as alleged, that he had come to an untimely end at the hands of his captors.

His Excellency, at the termination of the statement of the case, said he felt extremely hurt that such foul suspicions could possibly be entertained as to the ill-treatment of prisoners or any one else by the Paraguayan forces, and, summoning an aide-de-camp, at once dispatched him to learn what had become of the missing man.

He then proceeded to address to us some observations; but, the detained British subjects not being yet on board Her Britannic Majesty's gun-boat, we thought it best to make no reply to his Excellency's remarks, and a profound silence, which lasted some minutes, ensued.

After one or two commonplace observations on his Excellency's part, he proceeded to inform us that his fleet had had an encounter with the Brazilian squadron just below Corrientes, and that only one-half of his vessels had returned, and those in a comparatively disabled state. This was no news to us, who had already inspected the ships by means of telescopes, and had also had to pass close alongside of all of them to reach the landing-place, but we confined ourselves to expressions of regret for what appeared to have occurred, and to hope that no great loss of life had taken place.

His Excellency seemed to be by no means despondent as to the loss of one-half of his fleet, rather expressing surprise that any of them were able to return. The aide-de-camp sent to inquire as to the fate of Mr. Hugh Bain now returned, with a report to the effect that Mr. Bain died at Tres Bocas.

As to the mode of his death, or the ceremonies accompanying his interment, we did not think it expedient to enter upon them at that moment, and we accordingly took leave of his Excellency, who shortly afterwards sent on board the "Dotterel" the British subjects forming part of the crew of the "Ranger." There were persons of other nation-

alities also of the crew of the "Ranger," but we were not informed of this in time to make any application in their favour to his Excellency the President, and they consequently remain at Humaitá.

Inclosure 6 in No. 12.

Mr. Pakenham to Mr. Thornton.

Sir,

Rosario, June 20, 1865.

WHILE the "Dotterel" was at Villafranca, in Paraguay, a naval combat took place between the very powerful squadron of Brazilian gun-boats under the command of Commodores Barroso and Gomensoro on the one hand, and the Paraguayan naval forces on the other.

The Paraguayan force was composed of eight steam-vessels, but none of them were adapted to warlike purposes, and being simply filled with men, were ordered to board the enemy without wasting time with their comparatively feeble artillery practice.

The fight seems to have been a desperate one on both sides, and the result may be summed up as follows:—

Paraguayan force, 8 strong; *e.g.*, 3 sunk, 1 blown up and stranded, 4 gun-launches sunk, and 2 captured.

The Brazilian gun-boat "Jequitinhonha" grounded in consequence of the death of her pilot, and the Paraguayans ashore having brought up thirty pieces of cannon, her position was rendered hopeless, and Commodore Gomensoro, being wounded himself, decided to abandon the ship to avoid useless sacrifice of life.

When the "Dotterel" passed the "Jequitinhonha" she was three-quarters under water, aground, bowsprit gone, abandoned by her crew, and apparently everything was in disorder; and this latter observation will apply to the Brazilian squadron generally, although they had had three full days to repair damages.

Lieutenant Johnson, accompanied by me, went on board the Brazilian chief Commodore's vessel, where we saw both Commodores. They received him very cordially, and the "Dotterel" shortly pursued her course down the river.

The next morning, at about 7 A.M., a wreck, the Paraguayan war-steamer "Marques de Olinda," was made out. She was ashore, boilers burst, with the Brazilian flag hoisted over the Paraguayan, and with fifteen men on board, thirteen of whom were severely wounded, and who had been apparently abandoned by the Brazilians, who had boarded the vessel, and carried away the Paraguayan officers.

These fifteen men were placed on board the "Dotterel," where they are tended with the utmost care by Dr. Conolly, but owing to their wounds having remained undressed during four days, his exertions, strenuous as they have been, cannot be in all cases successful in saving life. One died yesterday morning, and two are expected shortly to follow.

No good opportunity offering for landing our sick at Goya, Parana, or Rosario, we continue our course this morning for Buenos Ayres, with the intention of landing them there, if possible.

I have, &c.
(Signed) F. PAKENHAM.

No. 13.

Mr. Lettsom to Earl Russell.—(Received August 3.)

(Extract.)

Monte Video, June 24, 1865.

I HAVE the honour to transmit to your Lordship herewith, a translation of a note from Dr. de Castro, announcing to me that Brigadier-General Flores will leave Monte Video on the 22nd instant, to place himself at the head of the national army.

I have likewise the honour to forward to your Lordship copy of my reply to Dr. de Castro's note.

I lost no time in forwarding to Admiral Elliot a translation of Dr. de Castro's note and a copy of my reply.

The departure of General Flores was, however, deferred until the 23rd instant, when he left in the Brazilian vessel of war "Tacuari" for Concordia, a port in the Argentine Republic.

A portion of the military force to be furnished by this Republic in prosecuting the war against Paraguay left on the 22nd instant, the remainder accompanied General Flores. The entire force, which consisted of regular troops, did not exceed 1,500 men.

Inclosure 1 in No. 13.

Dr. de Castro to Mr. Lettsom.

(Translation.)

Monte Video, June 21, 1865.

HIS Excellency Brigadier-General Don Venancio Flores, Provisional Governor of the Republic, fulfilling the stipulation contained in the Treaty of Alliance celebrated with the Argentine Republic and the Empire of Brazil, on the 1st May last past, and in order to insure the security of the country and of its national and foreign inhabitants, threatened by the irresponsible and retrograde Government of the Paraguayan Ruler, will leave to-morrow the 22nd instant at 2 o'clock in the afternoon, to put himself at the head of the national army, and has commissioned me to take leave of you in his name, at the same time saluting, in your person, the noble nation which you represent.

I avail, &c.
(Signed) C. DE CASTRO.

Inclosure 2 in No. 13.

Mr. Lettsom to Dr. de Castro.

M. le Ministre,

Monte Video, June 21, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's note of this date, which reached me to-night at 9 o'clock, acquainting me that his Excellency, the Provisional Governor-General Don Venancio Flores, will leave the capital to-morrow afternoon to place himself at the head of the national army, in fulfillment of the stipulation of the Treaty of Triple Alliance of the 1st of May last past, and that his Excellency had commissioned your Excellency to take leave of me in his name, saluting in my person the nation represented by me.

I shall esteem it a great favour if your Excellency would make known to the Provisional Governor, prior to his departure, how highly I appreciate the sentiments expressed by his Excellency with respect to the British people.

I avail, &c.
(Signed) W. G. LETTSOM.

No. 14.

Mr. Lettsom to Earl Russell.—(Received August 3.)

(Extract.)

Monte Video, June 27, 1865.

I HAVE the honour to transmit to your Lordship a translation of the Treaty of Alliance against Paraguay, signed at Buenos Ayres on 1st May, by the Plenipotentiaries of the Oriental Republic of Uruguay, of His Majesty the Emperor of Brazil, and of the Argentine Republic.

I have further the honour to place in your Lordship's hands a translation of four additional articles contained in a Protocol signed at Buenos Ayres on the same date as the Treaty itself.

Inclosure in No. 14.

Treaty of Alliance against Paraguay, signed May 1, 1865, by the Plenipotentiaries of Uruguay, of Brazil, and of the Argentine Republic.

(Translation.)

THE Government of the Oriental Republic of the Uruguay, the Government of His Majesty the Emperor of Brazil, and the Government of the Argentine Republic:

The two last, finding themselves at war with the Government of Paraguay by its having been declared against them in fact by this Government, and the first in a state of hostility, and its internal security menaced by the said Government, which violated the Republic, solemn Treaties, and the international usages of civilized nations and committed

unjustifiable acts after having disturbed the relations with its neighbours by the most abusive and aggressive proceedings:

Persuaded that the peace, security, and well-being of their respective nations is impossible whilst the actual Government of Paraguay exists, and that it is an imperious necessity, called for by the greatest interest, to cause that Government to disappear, respecting the sovereignty, independence, and territorial integrity of the Republic of Paraguay:

Have resolved with this object to celebrate a Treaty of Alliance offensive and defensive, and thereto have appointed to be their Plenipotentiaries, to wit:

His Excellency the Provisional Governor of the Oriental Republic of the Uruguay, his Excellency Doctor Don Carlos de Castro, his Minister Secretary of State in the Department of Foreign Affairs;

His Excellency the Emperor of Brazil, his Excellency Senhor Dr. F. Octaviano de Almeida Rosa, of his Council, Deputy to the General Legislative Assembly, and Officer of the Imperial Order of the Rose;

His Excellency the President of the Argentine Confederation, his Excellency Señor Dr. Don Rufino de Elizalde, his Minister and Secretary of State in the Department of Foreign Affairs;

Who after having exchanged their respective credentials, which were found to be in good and due form, did agree as follows:—

ARTICLE I.

The Oriental Republic of the Uruguay, His Majesty the Emperor of Brazil, and the Argentine Republic unite in offensive and defensive alliance in the war provoked by the Government of Paraguay.

ARTICLE II.

The allies will concur with all the means they can dispose of by land or on the rivers according as may be necessary.

ARTICLE III.

The operations of the war being to commence in the territory of the Argentine Republic, or on a part of Paraguayan territory bordering on the same, the command in chief and the direction of the allied armies remains entrusted to the President of the Argentine Republic, General-in-chief of its army, Brigadier-General Don Bartolomé Mitre.

The maritime forces of the allies will be under the immediate command of Vice-Admiral Viscount de Tamandaré, Commander-in-chief of the squadron of His Majesty the Emperor of Brazil.

The land forces of the Oriental Republic of the Uruguay, a division of the Argentine forces, and another of the Brazilian forces to be designated by their respective superior chiefs, will form an army under the immediate orders of the Provisional Governor of the Oriental Republic of the Uruguay, Brigadier-General Don Venancio Flores.

The land forces of His Majesty the Emperor of Brazil will form an army under the immediate orders of their General-in-chief, Brigadier Manoel Luis Osorio.

Although the High Contracting Parties are agreed not to change the field of the operations of war, nevertheless in order to preserve the sovereign rights of the three nations, they do agree from this time, on the principle of reciprocity for the command in chief, in the event of those operations having to pass over to the Oriental or Brazilian territory.

ARTICLE IV.

The internal military order and economy of the allied troops will depend solely on their respective chiefs.

The pay, victuals, munitions of war, arms, clothing, equipment, and means of transport of the allied troops will be for account of the respective States.

ARTICLE V.

The High Contracting Parties will afford mutually all the assistance or elements which they may have, and which the others may require, in the form to be agreed upon.

ARTICLE VI.

The allies pledge themselves solemnly not to lay down their arms unless by common

accord, nor until they shall have overthrown the present Government of Paraguay, and not to treat with the enemy separately, nor sign any Treaty of peace, truce, armistice, or Convention whatsoever for putting an end to, or suspending the war, unless by a perfect agreement of all.

ARTICLE VII.

The war not being against the people of Paraguay, but against its Government, the allies may admit into a Paraguayan legion all the citizens of that nation who may choose to concur to overthrow the said Government, and will furnish them with all the elements they may require, in the form and under the conditions to be agreed upon.

ARTICLE VIII.

The allies oblige themselves to respect the independence, sovereignty, and territorial integrity of the Republic of Paraguay. Consequently the Paraguayan people may choose their Government and give to themselves the Institutions they please, not incorporating it nor asking for a Protectorate under any one of the allies as a consequence of this war.

ARTICLE IX.

The independence, sovereignty, and territorial integrity of the Republic of Paraguay shall be guaranteed collectively in conformity with the foregoing Article by the High Contracting Parties during the period of five years.

ARTICLE X.

It is agreed between the High Contracting Parties that the exemptions, privileges, or concessions which they may obtain from the Government of Paraguay, shall be common to all gratuitously, if they be gratuitous, and with the same compensation if they be conditional.

ARTICLE XI.

The present Government of Paraguay being overthrown, the allies will proceed to make the necessary arrangements with the authority constituted, to insure the free navigation of the rivers Parana and Paraguay, in such manner that the regulations or laws of that Republic shall not obstruct, hinder, nor burthen the transit and direct navigation of the merchantmen and vessels-of-war of the allied States proceeding to their respective territory, or to territory not belonging to Paraguay, and they will take suitable guarantees for the effectiveness of those arrangements on the base that those regulations of fluvial police, whether they be for those two rivers or likewise for the River Uruguay, shall be made by common accord between the allies and such other bordering States as shall, within the term to be agreed upon by the said allies, accept the invitation made to them.

ARTICLE XII.

The allies reserve to themselves to concert the measures most suitable in order to guarantee peace with the Republic of Paraguay after the overthrow of the present Government.

ARTICLE XIII.

The allies will appoint in due season the Plenipotentiaries required to celebrate the arrangements, Conventions, or Treaties that may have to be made with the Government that shall be established in Paraguay.

ARTICLE XIV.

The allies will exact from this Government payment of the expenses of the war which they have seen themselves obliged to accept, as well as reparation and indemnification for the damages and injuries caused to their public and private properties, and to the persons of their citizens, without express declaration of war, and for the damages and injuries committed subsequently in violation of the principles which govern the laws of war.

The Oriental Republic of the Uruguay will likewise exact an indemnification proportioned to the damage and injury caused to it by the Government of Paraguay through the war into which it is forced to enter to defend its security threatened by that Government.

ARTICLE XV.

In a special Convention shall be determined the manner and form of liquidating and paying the debt proceeding from the aforesaid causes.

ARTICLE XVI.

In order to avoid the discussions and wars which questions of boundaries involve, it is established that the allies shall exact from the Government of Paraguay that it celebrate definitive boundary Treaties with their respective Governments upon the following basis :—The Argentine Republic shall be divided from the Republic of Paraguay by the rivers Parana and Paraguay, until meeting the boundaries of the Empire of Brazil, these being on the right margin of the River Paraguay, the Bahia Negra.

The Empire of Brazil shall be divided from the Republic of Paraguay on the side of the Parana by the first river below the Salto de las Siete Cahidas, which, according to the recent map of Manchez, is the Igurey, and from the mouth of the Igurey and in its course upwards until reaching its sources.

On the side of the left bank of the Paraguay by the River Apa from its mouth to its sources.

In the interior from the summits of the mountain of Maracayú, the streams on the east belonging to Brazil, and those on the west to Paraguay, and drawing lines as straight as possible from the said mountain to the sources of the Apa and of the Igurey.

ARTICLE XVII.

The allies guarantee to each other reciprocally the faithful fulfilment of the agreements, arrangements, and Treaties that are to be celebrated with the Government that shall be established in Paraguay, in virtue of what is agreed upon by the present Treaty of Alliance, which shall always remain in its full force and vigour to the effect that these stipulations be respected and executed by the Republic of Paraguay.

In order to obtain this result they do agree that, in the case that one of the High Contracting Parties should be unable to obtain from the Government of Paraguay the fulfilment of what is agreed upon, or that this Government should attempt to annul the stipulations adjusted with the allies, the others shall employ actively their exertions to cause them to be respected.

If these exertions should be useless, the allies will concur with all their means in order to make effective the execution of what is stipulated.

ARTICLE XVIII.

This Treaty shall be kept secret until the principal object of the alliance shall be obtained.

ARTICLE XIX.

The stipulations of this Treaty that do not require legislative authorization for their ratification, shall begin to take effect so soon as they be approved by the respective Governments, and the others from the exchange of the ratifications, which shall take place within the term of forty days counted from the date of the said Treaty, or sooner, if it be possible, which shall be done in the city of Buenos Ayres.

In testimony whereof, the Undersigned Plenipotentiaries of his Excellency the Provisional Governor of the Oriental Republic of the Uruguay, of His Majesty the Emperor of Brazil, and of his Excellency the President of the Argentine Republic, in virtue of our full powers, do sign this Treaty and do cause to be put thereto our seals in the city of Buenos Ayres, the 1st of May, in the year of our Lord 1865.

(Signed)

C. DE CASTRO.

F. OCTAVIANO DE ALMEIDA ROSA.

RUFINO DE ELIZALDE.

Protocol.

(Translation.)

THEIR Excellencies the Plenipotentiaries of the Argentine Republic, of the Oriental Republic, of the Oriental Republic of the Uruguay, and of His Majesty the Emperor of Brazil being assembled at the Department for Foreign Affairs, agreed :

1. That in fulfilment of the Treaty of Alliance of this date, the fortifications of

Humaitá shall be caused to be demolished, and it shall not be permitted that others of an equal nature should be erected, which might impede the faithful execution of that Treaty.

2. That it being one of the measures necessary to guarantee peace with the Government that shall be established in Paraguay not to leave arms or elements of war, those that are met with shall be divided in equal shares between the allies.

3. That the trophies and booty that may be taken from the enemy shall be divided between the allies who make the capture.

4. That the Chiefs in command of the allied armies shall concert measures to carry what is here agreed on into effect.

And they signed this at Buenos Ayres on the 1st of May, 1865.

(Signed)

CARLOS DE CASTRO.

RUFINO DE ELIZALDE.

F. OCTAVIANO DE ALMEIDA ROSA.

No. 15.

Mr. Thornton to Earl Russell.—(Received August 19.)

My Lord,

Buenos Ayres, July 11, 1865.

WITH reference to my despatch of the 22nd ultimo, I have the honour to inform your Lordship that the Brazilian official return of their loss in the naval engagement of the 11th ultimo, gives it as follows: 83 killed, 132 wounded, 20 missing, of these there were 9 officers killed and 10 wounded.

On the 13th ultimo, the Brazilians proceeded to spike the guns of the steamer "Jequitinhonha," which had grounded under the guns of the Paraguayan land battery, and in doing this they lost 4 men killed and 6 wounded.

The Paraguayans subsequently established a battery on the shore lower down than the anchorage of the Brazilians, and the Commodore deeming it expedient to place his squadron below this battery, passed it on the 18th of June, in which operation 1 officer was killed, 1 man killed, 1 officer and 11 men wounded, so that the whole loss in the three days in killed, wounded, and missing was 259.

It is supposed that the Brazilian squadron is now anchored about fifty miles below the town of Corrientes.

Although it is extremely difficult to obtain authentic information, it does not seem that any hostilities of importance have taken place during the last fortnight. General Mitre has his head-quarters at Concordia, where he is organizing the Brazilian, Monte Videan, and Argentine forces under his command.

Notwithstanding what I reported to your Lordship in my despatch of the 24th ultimo, it seems that the Paraguayans took possession of the town of San Borja on the 14th of June. Since then a Paraguayan force of from 8,000 to 10,000 men has been marching down along the two banks of the Uruguay towards Uruguayana on the Brazilian side, and Paso de los Libres on the Argentine. The Paraguayans are furnished with boats and rafts so as to be able to cross the river at any moment and unite their forces. As the river is now extraordinarily full, so that steamers can pass the rapids close to Concordia, it is said that General Mitre is about to send against the above-mentioned Paraguayan army an expedition composed of several small steamers and a land force, which may possibly find the Paraguayans separated by the river, and be able to do them considerable injury.

On the side of the River Parana, it is believed that President Lopez is at Corrientes, and that General Robles has retreated towards that town, where that division of the Paraguayan army, now increased by recent additions to about 30,000 men, is being concentrated; and as heavy guns and large supplies of ammunition are being brought over from Paraguay, it would seem that President Lopez is determined to make a stand in the Province of Corrientes. It is evident that the Brazilian squadron, though able to prevent any naval force now at the disposal of Paraguay from coming down the Parana, cannot itself proceed up the river unless supported by a powerful land force.

I have, &c.

(Signed)

EDWD. THORNTON.

No. 16.

Mr. Thornton to Earl Russell.—(Received September 1.)

My Lord,

Buenos Ayres, July 26, 1865.

I HAVE nothing of importance to report to your Lordship with regard to the progress of the war between Brazil, the Argentine Republic, and that of the Uruguay, on the one side, and the Republic of Paraguay, on the other.

The Paraguayan army in and about the town of Corrientes seem to have made no move of consequence during the last fortnight; neither has the Brazilian squadron carried out any further aggressive hostilities, it seems to remain stationary a little above Bella Vista.

General Mitre is still at Concordia, and has ordered the Government of the Province of Entre Rios to cause its contingent to be re-assembled on the 1st instant, and it is proposed to incorporate it at once under different officers in the main army, so that there may be less danger of the recurrence of a defection similar to that which lately took place at Basualdo.

An expedition of 6,000 men, composed of nearly equal numbers of each of the three allies, has been placed under the command of General Flores, and sent to meet the Paraguayan force on the right bank of the Uruguay. It was found too dangerous to attempt to get steamers through the rapids at Salto, and the project of making some accompany the land force has therefore been abandoned. The Paraguayan force on the right bank of the Uruguay is said to be at Paso de los Libres, whilst that on the left bank is known to have crossed the River Ibicuy, and is supposed to be now near or at the town of Uruguayana.

It is hoped that the presence of the Emperor in Rio Grande will contribute towards the more rapid dispatch of all the available troops in that province to the bank of the Uruguay, and the Argentine Government express a confident hope that the Paraguayan forces on both sides of that river may be cut off. It is evident that unless they soon begin their retreat towards the Parana, there ought to be no difficulty in executing that manœuvre.

I have, &c.

(Signed) EDWD. THORNTON.

No. 17.

Mr. Thornton to Earl Russell.—(Received September 18.)

My Lord,

Buenos Ayres, August 11, 1865.

I HAVE again no event of importance to report to your Lordship with reference to the war now being carried on by the allies against Paraguay.

The Paraguayan army, however, at Corrientes has again moved forward in two divisions, one of which is marching along the bank of the Parana, and has occupied the town of Bella Vista, and the other is directed more towards the interior of the province, and has taken possession of the village of Saladas. As yet there is no force in their neighbourhood sufficiently strong to offer any resistance to their progress.

General Mitre with his army is still stationary at Concordia, in Entre Rios, and General Urquiza seems to have made but little progress in re-assembling the forces of his province which were disbanded at Basualdo.

General Flores was by the last account of the 4th instant but a few miles distant from the Paraguayan division on the right bank of the Uruguay.

It was expected that he would be joined on the 7th instant by General Pannero with 4,000 men and by two other small detachments, so that the force under his orders would amount to at least 10,000 men, with which the Argentine Government are confident that he will be a match for the Paraguayan force now opposed to him.

On the other side of the Uruguay the Brazilian General Canavarro is said now to have 12,000 men at his disposal, and Señor Elizalde assures me that the Paraguayans on the left bank do not exceed 9,000. His Excellency therefore thinks that in that quarter the chances are entirely in favour of the allies, and that we shall in two or three days more hear of a decisive battle having been fought. If it be true that the number of the Paraguayans on both banks is not more than 12,000 or 13,000 there certainly ought to be no difficulty in defeating them, considering that they are completely cut off from all resource and support.

I have, &c.

(Signed) EDWD. THORNTON.

Mr. Thornton to Earl Russell.—(Received October 1.)

(Extract.)

Buenos Ayres, August 21, 1865.

ON the 10th and 11th instant, a force of about 5,000 Paraguayans was occupied in placing in position a battery of fifty guns on a point on the left bank of the Parana commanding the river, and a little below the anchorage of the Brazilian squadron, which was lying about ten miles below Bella Vista. It is to be presumed that the Brazilian Commodore was not fully aware of what the Paraguayans were about, although it is said that he did not move down the river till authorized to do so by Admiral Tamandaré, who was at Buenos Ayres.

On the 12th, however, orders were given to get under way and to pass the Paraguayan battery at full steam; but notwithstanding this, the guns were so well placed that the vessels, of which there were fourteen (thirteen Brazilian and one Argentine), all suffered considerable damage in their hulls and rigging; they also lost, as far as I can learn, about 60 men killed and wounded. The Argentine steamer lost 2 officers and 2 men killed, and 1 officer and 7 men wounded. The squadron was, by the last accounts, anchored at Rincon de Soto.

Mr. Thornton to Earl Russell.—(Received October 1.)

My Lord,

Buenos Ayres, August 21, 1865.

NEWS reached Buenos Ayres last night that the expedition under General Flores, which, as I have already had the honour to inform your Lordship, was sent by General Mitre to attack the Paraguayan Division on the right bank of the Uruguay, had gained a complete victory. The battle was fought on the 17th instant, near Paso de los Libres, and only lasted an hour and a quarter. The enemy were about 3,000 men, whilst the force at General Flores' disposal were 10,000 men, although I believe that not more than half the number were engaged. The Paraguayans had no artillery, whilst General Flores counted upon 32 pieces, which, however, were very little used. The latter naturally called upon Colonel Duarte, who commanded the Paraguayans, to surrender; but although his position was evidently hopeless, he refused to do so. The result was that of the 3,000 men 1,700 were killed, and 1,200 taken prisoners; amongst the latter was Colonel Duarte. This painful slaughter is declared to be entirely due to the fanatical obstinacy of the Paraguayans, who, when routed, refused to surrender; even single fugitives turned upon their pursuers and fired. The allies, it is stated, lost about 300 men killed and wounded, of which about 60 were killed. Colonel Duarte, when asked why he had made so hopeless a resistance, said that he had received no orders to surrender. But it is supposed that his men were imbued with the idea that all who were taken would be put to death.

The other division of the Paraguayans—consisting of 9,000 men—was, at the time, on the left bank of the Uruguay, in the town of Uruguayana, and in sight of their comrades, whom, however, they were unable to assist.

On the following day this column evacuated Uruguayana, retreating northwards; but it is almost certain that it is doomed, for Generals Canavarro and Flores have, between them, about 22,000 men under their orders, who ought to find no difficulty in preventing the retreat of the Paraguayans. Nature, too, is assisting the allies; for the Uruguay has suddenly risen, so that three or four small steamers and gun-boats have been able to ascend the rapids at Soto, and will help to prevent the Paraguayan column from crossing the river so as to retreat towards the Parana. It is to be hoped that it will save bloodshed by preferring surrender to a hopeless resistance.

It is said that those who fought against General Flores were almost starving and naked; so much so, that the first impulse of their enemies after the battle was over was to offer them a part of their own clothing. I have also been credibly informed that the column on the left bank of the Uruguay, when they took possession, without resistance, of the small Brazilian town of Itaquí, sacked all the houses and stores, which belonged almost entirely to foreigners. The sacking was, however, carried out methodically, and

none of the booty was given to the soldiers. They were only allowed to cover their nakedness with the flags which the proprietors had hoisted in the vain hope that neutral property would be respected.

The foreigners were principally Frenchmen, one of whom was spoiled of goods to the value of 10,000*l.* sterling.

Little can be said in favour of the generalship, or even humanity, of President Lopez, who has thus sacrificed 12,000 of his countrymen without any apparent object.

I have, &c.

(Signed) EDWD. THORNTON.

No. 20.

Mr. Lettsom to Earl Russell.—(Received October 1.)

My Lord,

Monte Video, August 24, 1865.

I HAVE the honour to transmit to your Lordship herewith translation of a note of Dr. Carlos de Castro, wherein his Excellency makes known to me that on the 17th instant the vanguard division of the allied armies, under the immediate orders of Brigadier-General Flores, gained a complete victory over a column of the Paraguayan forces in the district of Yatay.

This district not being laid down on any maps that I have been able to consult here I think it proper to state that its position is in about 57° 35' west longitude from Greenwich, and 30° 15' south latitude not far from a spot marked on some maps as the "Paso de los Libres," opposite the Brazilian town of Uruguayna, on the River Uruguay.

I have also the honour to place in your Lordship's hands a copy of my answer to Dr. Carlos de Castro's note.

From all I can gather, the defeat of the Paraguayan force appears to have been as complete as the Government asserts, and the occurrence may prove to be by no means without importance, as it may prevent the further advance of the enemy's forces towards this country, from the frontier of which they were not distant more than some twenty-five or thirty miles.

I have, &c.

(Signed) W. G. LETTSOM.

Inclosure 1 in No. 20.

Dr. de Castro to Mr. Lettsom.

(Translation.)

M. le Chargé d'Affaires,

Monte Video, August 23, 1865.

I HAVE the grateful satisfaction to acquaint Mr. Lettsom that the division of the vanguard of the allied army, under the immediate orders of his Excellency the Provisional Governor of the Republic, Brigadier-General Don Venancio Flores, has just obtained a complete triumph, on the 17th instant, on the field of Yatay, over the Paraguayan column commanded by Señor Duarte, which Chief, with all his luggage and a great number of troops, have fallen into the hands of the victor.

This first triumph of the allied armies over the hosts of the Paraguayan despot has an immense moral and material importance, inasmuch as it is the forerunner of those which are to follow, insuring definitively the principles of liberty and justice proclaimed by the alliance.

The Provisional Government cannot do less than congratulate itself, inasmuch as during the critical moments through which the Republic has passed, it has not for an instant swerved from the path it had marked out respecting all the guarantees, and making practical, perhaps too much so, the veneration that it pays to the laws of the country.

The event of Yatay, which will shortly be followed by the no less important one of the disappearance of the enemy's column that is now at Uruguayana, guarantees to the Republic its eternal quiet, and insures the interests of natives and foreigners, barbarously menaced by the conduct observed by the Paraguayan despot, who bears for his device the annihilation and devastation of the territory that he stains with his footsteps.

I avail, &c.

(Signed) C. DE CASTRO.

Inclosure 2 in No. 20.

Mr. Lettsom to Dr. de Castro.

M. le Ministre,

Monte Video, August 24, 1865.

I HAVE the honour to acknowledge the receipt of the note of yesterday's date, wherein your Excellency is pleased to make known to me that, on the 17th of this month, the vanguard division of the allied armies under the immediate orders of his Excellency the Provisional Governor of the Republic, Brigadier-General Don Venancio Flores, defeated completely, in the district of Yatay, the Paraguayan column commanded by Señor Duarte.

I shall not fail, by the first opportunity, to transmit a copy of your Excellency's note to Her Majesty's Government, which, while observing the strictest neutrality in the present war, will, I do not doubt, learn with pleasure that, in the opinion of your Excellency, this event is likely to tend to the re-establishment of peace.

I avail, &c.
(Signed) W. G. LETTSOM.

No. 21.

Mr. Thornton to Earl Russell.—(Received October 19.)

My Lord,

Buenos Ayres, September 8, 1865.

WITH reference to my despatch of the 21st ultimo, in which I had the honour to report to your Lordship that a battle had been fought near the Paso de los Libres between a force of the allies under General Flores and a division of Paraguayans, the official statement of the losses suffered by the former is as follows:—

		Wounded.		Killed.	
		Officers.	Men.	Officers.	Men.
Monte Videan Division	..	25	135	3	56
Argentine ditto	..	11	71	3	12
Brazilian ditto	..	1	13	..	1
Totals	..	37	219	6	69

I have, &c.
(Signed) EDWD. THORNTON.

No. 22.

Mr. Thornton to Earl Russell.—(Received October 19.)

(Extract.)

Buenos Ayres, September 11, 1865.

IN my despatch of the 21st ultimo I had the honour to inform your Lordship that the Paraguayan division of 9,000 men on the left bank of the Uruguay had evacuated the town of Uruguayana on the 18th ultimo, retreating northwards. It seems, however, that on the following day, thinking probably that they would be unable to make good their retreat across the Uruguay and the territory of Misiones, they returned and again took possession of the town, in which they at once began to entrench themselves. They found in the town a considerable quantity of mandioca-meal, which the Brazilians had neglected to carry off or destroy, and upon which the Paraguayans, frugal as they are, will be able to subsist for some time; but they have but eight light field-pieces, with which they could not resist a serious attack of the allies, who have sixty pieces, some of them of heavy calibre.

General Flores, after the battle of the 17th ultimo, lost no time in transporting the forces under his orders to the other side of the river, and in summoning the Paraguayan Commander, Colonel Estigarribia, to surrender. A translation of the answer of the latter I have the honour to inclose. From it your Lordship will perceive that he positively refuses to surrender. Colonel Estigarribia probably hopes that succour will be sent to him from the Paraguayan army in the province of Corrientes; but, as far as is known, no force has been as yet detached for the purpose. An officer who was dispatched by

Colonel Estigarribia with a verbal message imploring speedy assistance was taken prisoner on his way by the Argentines.

It is said that the main army is to proceed at once to Mandisobi, about thirty miles above Concordia, on the Uruguay.

His Majesty the Emperor of Brazil was to have been, on the 7th instant, at Alegreto, about 130 miles from Uruguayana, and was afterwards to continue his journey to the latter place.

Inclosure in No. 22.

Colonel Estigarribia to Brigadier-General Flores.

(Translation.)

Uruguay, August 20, 1865.

LATE last night I received your note of yesterday conveyed by the prisoner, Lieutenant José Zorrilla, who will also give your Excellency this my answer.

I have attentively perused said note in order to answer it as becomes a soldier of honour, to whom his Government intrusts a delicate post. I must, therefore, tell your Excellency that as a Paraguayan, a soldier, and a defender of the cause and independence of my country and of my Government, which is determined at all cost to maintain the integrity and equilibrium of the River Plate Republics, I neither can nor ought to accept your proposals.

Even supposing, as you say, that I am lost and can hope for no relief from the armies of Paraguay, honour and obedience imposes on me the necessity to die rather than deliver up the arms intrusted to me by his Excellency Marshal Lopez, President of the Republic, in defence of the sacred rights of so noble a cause, to a foreign foe. The officers and men of my command are of the same opinion, and resolved to die at their post sooner than accept a proposal which would dishonour and brand with eternal infamy the name of Paraguayan soldiers. Content with the modest position I occupy in my country, I covet neither honours or distinctions to be acquired at the cost of my country's honour, and for the profit of a few unfortunate Paraguayans who have enlisted in the service of the enemy.

I, and all my division, desire the moment to prove to your Excellency that the Paraguayan soldier neither asks the number of the enemy nor offers to treat with them, when he has to defend such noble and cherished rights.

God preserve, &c.

(Signed)

ANTONIO ESTIGARRIBIA.

No. 23.

Mr. Pakenham to Earl Russell.—(Received November 4.)

My Lord,

Buenos Ayres, September 26, 1865.

I HAVE the honour to inform your Lordship that the little town of Uruguayana, till recently occupied by the Paraguayan forces, surrendered to the allied armies on the 18th instant, and, I am happy to say, without bloodshed on either side.

Considering the obstinate conduct of the Paraguayan commandant of the place, Colonel Estigarribia, in persisting in the defence of an untenable post, the moderation displayed by the allied commanders seems worthy of much credit.

The Paraguayan officers were allowed to retain their swords, and to proceed whither they may choose, Paraguay excepted, and the rank and file were simply drafted among the allied troops. The numbers thus disposed of is about 5,150.

The reconquest of the Argentine Province of Corrientes will be the next object of the allies, and serious obstacles may have to be surmounted by them, owing to the complete manner in which that Province has been laid waste, and to the large Paraguayan forces now in possession of it, but concerning whose numbers, positions, or means of attack and defence no reliable information can at present be obtained.

The Brazilian squadron up the Parana remains at the anchorage at the Rincon de Soto, which it took up immediately after passing the Paraguayan batteries at Las Cuevas, and the Brazilians appear to take no notice of the Paraguayan vessels said to be plying busily only a few miles up the river.

I have, &c.

(Signed)

F. J. PAKENHAM.

No. 24.

Mr. Lettsom to Earl Russell.—(Received November 4.)

My Lord,

Monte Video, September 25, 1865.

I HAVE the honour to report to your Lordship that on the 18th instant the Brazilian town of Uruguayana, which had been taken possession of by the Paraguayan forces under the orders of an officer named Estigarribia, surrendered at discretion to the forces of the triple alliance without a shot being fired.

In acting thus the Paraguayan Commander acted wisely, inasmuch as the force under his orders was clearly incapable of resisting, with anything like a chance of success, the forces opposed to him.

Only a few days before surrendering, however, the Paraguayan Commander had, in an official communication to the allies, compared himself to Leonidas, and had declared that Uruguayana should prove a second Pass of Thermopylæ.

I have, &c.
(Signed) W. G. LETTSOM.

No. 25.

Mr. Pakenham to Earl Russell.—(Received December 2.)

(Extract.)

Buenos Ayres, October 27, 1865.

SINCE the fall of Uruguayana no conflict of any importance, beyond a skirmish ending in the recovery of a large quantity of cattle stolen by the Paraguayans, and a close approach to Paraguayan territory in a south-east direction, has taken place between the allied forces and the troops of President Lopez.

The latter seems to be concentrating his somewhat scattered forces at or near the city of Corrientes, and his troops have already abandoned the batteries erected by them at Las Cuevas, and have retired up the river.

The allied squadron moves cautiously in their rear, and it is supposed it will take an important part in the combined movement said to be now in progress between the various corps under the command of General Mitre, General Osorio, and General Flores.

Great expectations are entertained here as to the happy result of this operation, the immediate effect of which will be either the demolition of the Paraguayan forces, their hasty retreat into Paraguay, or their unconditional surrender.

A Brazilian iron-clad steamer has lately ascended the River Parana, and another arrived yesterday and will shortly follow. It is to be presumed they will take an active part in the attack on Humaitá, should that operation be contemplated.

No. 26.

Mr. Pakenham to Earl Russell.—(Received January 1, 1866.)

(Extract.)

Buenos Ayres, November 25, 1865.

I HAVE the honour to forward herewith translation of a note addressed by Señor Berges, Minister for Foreign Affairs of the Republic of Paraguay, to the Representatives of foreign Powers.

Inclosure in No. 26.

Señor Berges to Mr. Thornton.

(Translation.)

M. le Ministre,

Asuncion, October 4, 1865.

I HAVE the honour of addressing your Excellency to inform you of the sentiments of consideration with which the Government of this Republic views foreign subjects, and especially those of Her Britannic Majesty, who, occupying themselves solely in their affairs and private interests, maintain themselves neutral in the war which the Republic at this moment is sustaining against the triple alliance of an Empire and two neighbouring Republics.

In such a colossal struggle as the present, in which operations are taking place to the north, east, and south of the Republic, extending over extensive territories, and war being

a conglomeration of evils, often unavoidable, my Government is not blind to the fact that citizens or foreign subjects residing at those points occupied by Paraguayan forces, are not free from the possibility of being injured in their properties, however well the Paraguayan troops may be disciplined.

But if in the prosecution of the war any subject or subjects of Her Britannic Majesty are injured, the Paraguayan Government, faithful to the principles which it has adopted in this just war, will be the first to deplore such acts, and will be disposed to listen to and indemnify them at the conclusion of the war, for the injuries which they may have received on the part of the national forces, they being sufficiently proved and authenticated.

It is not the desire of the National Government that honest, pacific, and laborious foreigners, who take neither a direct nor indirect part in the war, should suffer with impunity the consequences of it. Paraguay does not make the war, neither does she wish that the weight of her arms should fall otherwise than upon her real enemies.

It gives me pleasure, therefore, Sir, in having the opportunity of assuring your Excellency, in the name of this Government, that the pacific subjects of Her Britannic Majesty will always find the most decided protection from the Paraguayan authorities, and the most ample guarantee for their persons and properties, for these are the express orders they have received in this respect.

In offering these guarantees to friendly foreigners, the National Government feels that it has fulfilled a duty, and does not pretend to claim favours as a recompense. But even so, it cannot but hope that the sentiments of justice and equity which animate the Government of Her Britannic Majesty, and the friendly relations which happily exist between the two countries, will influence it to exercise its authority to cause its subjects to observe the strictest neutrality in the present struggle, making known at the same time the inconveniences attending the enlistment of its citizens in the ranks of the enemy to bring desolation and war to this country.

I will not conclude, Sir, without bringing to your Excellency's notice the deplorable effects which the unqualifiable blockade declared by the Argentine Government, and carried into effect by the Brazilian squadron, has done and is doing, a blockade contrary to the spirit of express Treaties for the navigation of these rivers, and in open contradiction to the conduct which this Government has adopted in the present war with respect to the free navigation of the rivers, and of neutral commerce.

By the Treaty of the 10th of July, 1853, the navigation of the Rivers Parana and Uruguay is declared free, in case of war breaking out between the States, Republics, or Provinces of the River Plate, for the mercantile flag of all nations, without making any exception to this principle but that appertaining to articles called contraband of war.

The Paraguayan Government, although having had no part in the said Treaty, desirous of protecting innocent commerce, has allowed those vessels, which before and after the Decree of the 16th of April, establishing the blockade, began to load in the port of Asuncion, free passage. But the allied squadron, far from allowing them to freely continue their voyage, took possession of these vessels, obliging them to serve as transports of war against their country, whilst they caused the vessels dispatched by the Custom-houses of Buenos Ayres and Monte Video, bound for Paraguay and Corrientes, to return—vessels which, for want of wind, were unable to reach their destination.

These are authentic facts, Sir, and which cannot escape your Excellency's observation.

On the other hand, Sir, my Government is not surprised that the venal press of Buenos Ayres continues with redoubled vigour its schemes of discrediting the Government and people of this Republic before the eyes of the world, imputing to the Paraguayan forces in operations imaginary acts of assassination, violence, robberies, pillages and arson. The disloyalty of our enemies will not fail to use the most ruinous means with the object of making us appear as savages, who recognise no laws, and who are unable to bridle their ferocious instincts.

I am, notwithstanding, persuaded Sir, that, far from giving importance to the calumnious publications of that immoral press, your Excellency, with the spirit of impartiality which characterizes you, will keep yourself at that distance to be enabled to judge of the facts with a knowledge of the cause.

I avail, &c.
(Signed) JOSE BERGES.

No. 27.

Mr. Pakenham to Earl Russell.—(Received January 1, 1866.)

My Lord,

Buenos Ayres, November 25, 1865.

SINCE the date of my despatch of the 27th ultimo no serious collisions have occurred between the belligerents in these regions. The Paraguayans have succeeded in regaining their own country unmolested by the Brazilian squadron, and have carried off enormous booty in the way of cattle and horses from the Province of Corrientes.

The allies are now in possession of the town of Corrientes, and the main army appears to be gradually struggling across that province towards the Parana. They have suffered much from famine, sickness, and exposure to the inclemency of the weather; the sudden rise, too, of several small rivers has constantly detained them in unhealthy situations; and as the hot season has already set in, it is considered doubtful by many persons whether important field operations can be undertaken by them at present.

I have, &c.

(Signed) F. PAKENHAM.

No. 28.

The Earl of Clarendon to Mr. Ford.

Sir,

Foreign Office, January 6, 1866.

I HAVE received Mr. Pakenham's despatch of the 25th of November, inclosing copy of a note addressed by the Paraguayan Minister for Foreign Affairs to the Representatives of Foreign Powers, expressing the good feeling and intentions of his Government towards foreigners residing in Paraguay who maintained themselves neutral in the war at present carried on by that country.

I have to instruct you, if you should hereafter have occasion to ask for indemnities on account of losses inflicted on British subjects, to appeal to the assurances contained in this note.

I am, &c.

(Signed) CLARENDON.

No. 29.

Mr. Ford to the Earl of Clarendon.—(Received February 23, 1866.)

(Extract.)

Buenos Ayres, December 23, 1865.

THE allied troops are steadily closing on their enemy, and the main body of their army has already reached the vicinity of Corrientes. The present low state of the water in the River Parana will cause a delay of some weeks in the operations, which cannot be undertaken without the co-operation of the naval squadron.

The intention of the allies is to cross the River Parana at a point called Paso de la Patria, and it is expected that the final battle will be fought on that spot.

The allied force musters from 45,000 to 50,000 men, who are well paid, well provisioned, and full of enthusiasm. The Paraguayans can bring at most 30,000 into the field, only half of whom are good troops.

No doubt is entertained here of the result of the impending contest.

No. 30.

Mr. Ford to the Earl of Clarendon.—(Received March 5.)

My Lord,

Buenos Ayres, January 26, 1866.

THERE is no news from the seat of war. The allied troops occupy the same position they did a month ago.

No active operations will be undertaken until the River Parana is sufficiently high to permit the co-operation of the Brazilian squadron.

I have been informed this morning by Senhor Octaviano that it is the intention of Viscount Tamandaré, the Brazilian Admiral, to proceed to Corrientes in the course of ten

days, where his Excellency will accompany him; and it is confidently expected that the passage of the army into Paraguayan territory will take place about the middle of February.

I have, &c.
(Signed) FRANCIS CLARE FORD.

RIVER PLATE.
No. 1. (1866.)

Correspondence respecting Hostilities in the River
Plate.

(In continuation of Papers presented to Parliament
on the 30th June, 1865.)

*Presented to the House of Commons, by Command
of Her Majesty, in pursuance of their Address
of March 2, 1866.*

CORRESPONDENCE

RESPECTING THE



WAR

BETWEEN

CHILE AND SPAIN.

Presented to both Houses of Parliament by Command of Her Majesty.
1866.

LONDON:

PRINTED BY HARRISON AND SONS.

TABLE OF CONTENTS.

No.	Date.	SUBJECT.	Page
1. Mr. Thomson	Sept. 27, 1865	Coast of Chile blockaded by Spain	1
2. " "	28,	Spanish ultimatum rejected by Chile. Declaration of war. As to blockade being effective. Protest of Diplomatic Body	1
3. " "	30,	Possible union of Chilean and Peruvian ships against Spanish squadron	18
4. " "	30,	Justification of the blockade by Admiral Pareja, and reply of Diplomatic Body	18
5. " "	30,	Protest of foreign commercial body at Valparaiso, and reply of Diplomatic Body	20
6. " "	30,	Issue of letters of marque by Chile. Instructions to privateers	22
7. " "	30,	Instruction to Consul to endeavour to allay excitement of British merchants at Valparaiso	24
8. " "	30,	Correspondence with Messrs. Myers, Bland and Co. respecting the placing of a store-ship in Bay of Valparaiso	25
9. " "	30,	Correspondence with Commander Blake respecting entry of some British vessels into port of Valparaiso, said not to have been notified of the blockade	26
10. " "	Oct. 2,	Respecting entry into blockaded ports of contract mail steamers	29
11. " "	4,	Correspondence with Pacific Steam Navigation Company respecting inadvisability of placing naval officer on board their ship "Valparaiso"	31
12. Admiralty	Nov. 16,	Blockade of Chilean coast. Report from naval officer. As to efficiency of blockade. General instructions as to his conduct to be pursued during the war	32
13. To Mr. Thomson	17,	Approves proceedings	37
14. " "	17,	Copy of No. 13. That corresponding instructions be sent to naval officer in Pacific	38
15. To Admiralty	17,	Observations on existing differences. Admiral Pareja's proceedings. Efficiency of blockade. Her Majesty's Government ready to use good offices	38
16. To Sir J. Crampton	18,	Declaration of Paris of 1855. Probable result of Spain having refused to join in. Chilean privateers	39
17. " "	18,	Copies of Nos. 13, 14, 15, 16, and 17. To communicate substance to French Government	40
18. To Mr. Grey	18,	Reply to the above. M. Drouyn de Lhuys concurs in instructions to Mr. Thomson and Sir J. Crampton	40
19. Mr. Grey	19,	Letters of marque. French Government concur in right of Chile to issue	41
20. " "	19,	Admiral Pareja's proceedings. Conversation with the Marquis de Molins	41
21. To Sir J. Crampton	21,	Memorials from Liverpool and London firms respecting blockade. To communicate to Spanish Government	42
22. " "	22,	Conversation with M. Carrvallo respecting mediation	43
23. To Mr. Thomson	22,	France ready to join in mediation. Conversation with M. Drouyn de Lhuys	43
24. Mr. Grey	24,	To urge Spanish Government to instruct Admiral Pareja to suspend hostilities	44
25. To Sir J. Crampton	27,	Interview with Marshal O'Donnell	44
26. Sir J. Crampton	23,	Marshal O'Donnell's reply to French Ambassador	46
27. " "	24,	Circular note to Spanish Representatives abroad on the Chilean question	47
28. Señor de Castro to Marquis de Molins	23,	Blockade and threatened bombardment of Coquimbo	55
29. Acting Consul Tait	Oct. 2,	Thirty-eight smaller Chilean ports decreed as ports of entry, and free of duty	55
30. Mr. Thomson	8,	Chilean blockade. Letter from Panulcillo Mining Company, and reply thereto	56
31. " "	13,	Threatened bombardment of Valparaiso. Correspondence with Admiral Pareja	57
32. " "	14,	Interview with Chilean Minister. Endeavour to re-open negotiations	60
33. " "	14,		

No.	Date.	SUBJECT.	Page
34. Mr. Thomson ..	Oct. 16, 1865	Establishment of a Naval Prize Court on the steamship "Villa de Madrid" ..	60
35. " " ..	17,	Note of Diplomatic Body proposing arbitration and suspension of hostilities to both parties ..	60
36. To Sir J. Crampton ..	Nov. 29,	Copy of No. 29. To call attention of Spanish Government to proceedings of the captain of the "Beren-guela" ..	61
37. " " ..	29,	Explains purport of No. 25, misapprehended by Spanish Government ..	62
38. To Lord Napier ..	29,	Prospects of mediation. To communicate substance of Nos. 13, 16, 17, 21, 23, and 25 to Prussian Government ..	62
39. Sir J. Crampton ..	25,	Reply to No. 22. Has communicated memorials to Spanish Government ..	63
40. To Mr. Thomson ..	30,	Result of steps taken by France and England to act in concert with French colleague ..	63
41. " " ..	30,	Threatened bombardment of Valparaiso. Approves note to Admiral Pareja (see No. 32) ..	64
42. " " ..	30,	Approves language to Chilean Minister (see No. 33) ..	64
43. " " ..	30,	Reply to No. 35. Approves note of Diplomatic Body to Admiral Pareja proposing suspension of hostilities ..	65
44. To Mr. Grey ..	30,	Copy of No. 40. To communicate to French Government ..	65
45. Sir J. Crampton ..	27,	Mail-packets may enter Chilean ports. Surprise of M. de Castro at exclusion of Spanish correspondence ..	65
45*. Mr. Grey ..	30,	French Agent in Chile instructed to aid in urging suspension of hostilities ..	65
46. " " ..	30,	French Government have urged suspension of hostilities ..	66
47. To Mr. Thomson ..	Dec. 1,	Mediation. Conversation with Chilean Minister ..	66
48. " " ..	1,	Naval Prize Court on board Spanish Admiral's flag-ship. Her Majesty's Government objects to ..	66
49. " " ..	1,	Approves No. 31. Question of efficiency of blockade ..	67
50. " " ..	1,	French Chargé d'Affaires at Santiago authorized to support proposal of suspension of hostilities ..	67
51. " " ..	1,	Proposed suspension of hostilities. Conversation with Marquis de Molins ..	67
52. " " ..	1,	Further conversation ..	68
53. " " ..	1,	Chilean privateers; respecting treatment of crews of as pirates ..	68
54. To Sir J. Crampton ..	1,	Naval Prize Court on board the "Villa de Madrid." Her Majesty's Government object to ..	69
55. " " ..	1,	Treatment of Chilean privateers. To remonstrate against alleged instructions to Spanish officers ..	69
56. " " ..	2,	Memorandum of terms proposed for good offices ..	70
57. Sir J. Crampton ..	Nov. 29,	Orders of Spanish Government respecting treatment of Chilean privateers ..	71
58. Lord Napier ..	Dec. 2,	Prussia wishes to co-operate with mediating Powers ..	71
59. To Lord Napier ..	5,	What are the instructions to Prussian Representatives at Madrid and Santiago? ..	72
60. Sir J. Crampton ..	2,	"Gazette" notice of rupture of diplomatic relations, and blockade of Chilean ports ..	72
61. " " ..	Nov. 28,	Conversation with Spanish Minister of Interior respecting proposed terms ..	72
62. " " ..	Dec. 3,	Spain ready to accept good offices, not mediation ..	73
63. " " ..	4,	Reply to No. 36. Note to Spanish Government respecting conduct of the Captain of the "Beren-guela" ..	73
64. " " ..	5,	Proposed suspension of hostilities. Spanish Government did not misapprehend purport of No. 25 ..	74
65. " " ..	5,	Naval Prize Court on board the "Villa de Madrid." Note to Spanish Government ..	75
66. " " ..	5,	Treatment of privateers. Note to Spanish Government ..	75
67. " " ..	7,	Memorandum of proposed terms communicated to Spanish Government ..	76
68. To Sir J. Crampton ..	11,	Approves language to Spanish Minister of Interior ..	77
69. Mr. Grey ..	12,	Spanish Government accept good offices and terms of Memorandum ..	77
70. Mr. Thomson ..	Oct. 19,	Arrival of Commodore Harvey at Valparaiso ..	78
71. " " ..	30,	Arrangements between Commodore Harvey and Admiral Pareja respecting blockade ..	78
72. " " ..	28,	Failure of attempts of Diplomatic Body to persuade combatants to accept arbitration ..	79
73. " " ..	30,	Position of Spaniards in Chile ..	82
74. " " ..	31,	Question of Spanish subjects being placed under British protection ..	84

TABLE OF CONTENTS.

v

No.	Date.	SUBJECT.	Page
75. Sir J. Crampton ..	Dec. 10, 1865	Spain accepts proposed terms	86
76. Lord Napier ..	10,	Steps taken by Prussian Government	87
77. " " ..	12,	Spain advised by Prussia to accept mediation ..	88
78. Sir J. Crampton ..	10,	Reply to No. 22. Effect of conflict on commercial interests. Spanish Government regret, but cannot accept responsibility of	88
79. Admiralty ..	15,	Blockade of Chilean ports. Report from Commodore Harvey	89
80. " " ..	15,	Arrangements respecting mail-packets during blockade	94
81. To Mr. Thomson ..	15,	Attempts to induce combatants to accept arbitration. Regret at failure of Diplomatic Body	95
82. Sir J. Crampton ..	13,	Naval Prize Court; Spanish Government willing to establish in Spanish port	95
83. To Mr. Thomson ..	16,	To propose good offices in concert with French colleague. Incloses Memorandum of terms	97
84. " " ..	16,	To promote reconciliation on any terms preferred to those of Memorandum, by parties on the spot	98
85. " " ..	16,	Spaniards in Chile. Approves steps taken on behalf of	98
86. " " ..	16,	May afford protection to Spanish subjects	98
87. " " ..	16,	To continue to refuse recognition of "Villa de Madrid" as a legitimate Prize Court	99
88. " " ..	16,	Conditional approval of arrangement between Commodore Harvey and Admiral Pareja, respecting blockade	99
89. Sir J. Crampton ..	13,	Chilean privateers. On what ground does Her Majesty's Government object to proposed treatment of?	99
90. " " ..	13,	Conduct of Captain of the "Berenguela." Spanish Government sees no ground for complaint	101
91. To Lord Napier ..	19,	Satisfaction at intended course of Prussian Government. Memorandum of terms proposed for communication to M. de Bismarck	102
92. To Sir J. Crampton ..	20,	Threatened bombardment of Coquimbo; reply to No. 90. Her Majesty's Government complain of short notice to foreign residents	103
93. Mr. Lettsom ..	Nov. 14,	As to equipment of privateers and admission of prizes into Uruguayan ports	103
94. Mr. Thornton ..	22,	Equipment of privateers forbidden in Brazilian ports, probably also the sale of prizes	104
95. To Sir J. Crampton ..	Dec. 20,	Naval Prize Court on board "Villa de Madrid." Her Majesty's Government persist in objection to	104
96. To Admiralty ..	20,	Reply to Nos. 79 and 80. Approves arrangements of Commodore Harvey	105
97. To Sir J. Crampton ..	21,	Satisfaction at acceptance by Spain of good offices	105
98. To Mr. Thornton ..	22,	Satisfaction at course pursued by the Brazilian, Argentine, and Uruguayan Governments. Prospects of peace	106
99. Lord Napier ..	23,	Prussian Chargé d'Affaires instructed to co-operate with Representatives of Great Britain and France ..	106
100. Mr. Thomson ..	Nov. 15,	Conditions under which British merchandize may be removed from bonded warehouses in case of bombardment of Valparaiso	107
101. " " ..	16,	State of affairs.	113
102. Admiralty ..	Jan. 1, 1866	Report from Commodore Harvey on state of affairs and proceedings of Admiral Pareja	113
103. To Sir J. Crampton ..	6,	Treatment of privateers. Reply to No. 89. Opinion of Her Majesty's Government	114
104. To Mr. Thomson ..	11,	Chile will not be held responsible for injury to goods in bonded warehouses if British merchants refuse to remove them on prescribed conditions	116
105. Sir J. Crampton ..	1,	Note to Spanish Government explaining complaint against captain of the "Berenguela"	116
106. " " ..	2,	Conversation with M. de Castro as to position of Spain if Chile refuse terms of Memorandum	117
107. " " ..	2,	Spanish Government will comply with wishes of Her Majesty's Government respecting Prize Courts	118
108. " " ..	4,	Admiral Pareja will vigorously prosecute hostilities should Chile not accede to proposed terms	119
109. Mr. Thomson ..	Dec. 2, 1865	Capture of the Spanish ship "Covadonga" by the Chilean vessel "Esmeralda"	119
110. Sir J. Crampton ..	Jan. 11, 1866	Prize Courts. Admiral Pareja will designate ports for	120
111. " " ..	12,	Threatened bombardment of Coquimbo. Spanish Government cannot yet form an opinion on conduct of captain of the "Berenguela"	122
112. Admiralty ..	16,	State of affairs in Chile and Peru	123

No.	Date.	SUBJECT.	Page
113. To Sir J. Crampton ..	Jan. 17, 1866	Reply to No. 106. Approves language to M. de Castro. Explains conversation with Marquis de Molins ..	125
114. Messrs. Thomson and Bonar ..	22,	As to exportation of guano from the Chincha Islands in case of war between Spain and Peru ..	125
115. Sir J. Crampton ..	22,	Capture of the "Covadonga," and suicide of Admiral Pareja ..	127
116. To Sir J. Crampton ..	27,	Naval Prize Courts. Reply to No. 110 ..	127
117. " " ..	27,	Copy of No. 114. Hopes Spain will protect British interests in guano in case of hostilities ..	128
118. Mr. Barton ..	Dec. 22, 1865	Departure of Spanish Minister from Lima ..	128
119. Mr. Thomson ..	10,	Admiral Pareja anchored in Caldera Bay (see No. 109)	129
120. " " ..	16,	Prospect of Peru joining with Chile ..	129
121. To Sir J. Crampton ..	Jan. 30, 1866	Reasons for departure of Spanish Minister from Lima ..	130
122. To Mr. Barton ..	30,	To recommend a conciliatory policy to Peruvian Government ..	130
123. Admiralty ..	30,	State of affairs in Chile and Peru ..	131
124. Sir J. Crampton ..	28,	Possible rejection by Spain of good offices on account of capture of the "Covadonga" ..	132
125. To Sir J. Crampton ..	Feb. 1,	Reply to the above ; regret of Her Majesty's Government ..	132
126. To Admiralty ..	2,	Prizes not to be brought into Her Majesty's ports ..	133
127. To Mr. Thomson ..	3,	Sends copies of Nos. 124 and 125. To urge Chilean Government to accept at once terms of Memorandum.	133
128. To Sir J. Crampton ..	3,	Conversation with M. de Molins respecting possible rejection by Spain of good offices ..	134
129. Sir J. Crampton ..	2,	Reply to No. 117. British interests in guano ..	134
130. " " ..	2,	Conduct of Spanish Minister in Peru disapproved ..	135
131. To Sir J. Crampton ..	6,	Threatened bombardment of Coquimbo. Will await explanation of captain of the "Berenguela" before giving further instructions ..	135
132. " " ..	8,	Exclusion of prizes from British ports. Neutrality Proclamation ..	136
133. Mr. Thomson ..	Dec. 22, 1865	Admiral Pareja succeeded by Commodore Donasto Mendez Nuñez ..	136
134. " " ..	Jan. 1, 1866	Danger to Spanish subjects detained in Chile ..	136
135. " " ..	1,	Treaty of Alliance with Peru. State of affairs ..	137
136. " " ..	1,	Interview between Italian Minister and Señor Mendez Nuñez ..	137
137. Mr. Barton ..	13,	Arrival of Chilean Envoy to ratify Treaty ..	138
138. Sir J. Crampton ..	Feb. 9,	Constitution of Prize Courts. Spain must in certain cases maintain that on board the "Villade Madrid" ..	138
139. Admiralty ..	12,	State of affairs in Chile and Peru ..	140
140. To Mr. Thomson ..	16,	Exclusion of prizes from British ports. Neutrality Proclamation. Spain and Chile ..	141
141. To Sir J. Crampton ..	20,	Naval Prize Courts. Reply to No. 138 ..	144
142. To Admiralty ..	25,	Neutrality to be observed in war between Spain and the Republics of Chile and Peru ..	145
143. Señor de Castro to the Marquis de Molins ..	16,	Conditions required to establish legality of privateers ..	146
144. To Mr. Thomson ..	Mar. 1,	Neutrality. Copy of No. 142 ..	148
145. Mr. Barton ..	Jan. 24,	Treaty of Alliance with Chile. Declaration of war against Spain ..	149
146. " " ..	27,	Spanish subjects forbidden to leave Peru. Remonstrated ..	150
147. Mr. Thomson ..	16,	Interview with Minister of Justice. Chile must obtain consent of Peru to acceptance of good offices ..	151
148. Admiralty ..	Mar. 2,	State of affairs in Chile and Peru ..	152
149. Señor Pacheco ..	Jan. 20,	Treaty with Chile. Reasons for declaration of war by Peru ..	153
150. Lord A. Loftus ..	Mar. 3,	Instructions to Prussian Representatives at Madrid and Santiago ..	157
151. To Mr. Barton ..	8,	Spanish subjects detained in Peru. Approves No. 146	157
152. Sir J. Crampton ..	Feb. 27,	Naval Prize Courts. Reply to No. 141 ..	157
153. To Mr. Thomson ..	Mar. 15,	Neutrality Proclamation. Spain and Peru ..	158
154. Mr. Thomson ..	Jan. 19,	Blockade of Caldera raised ..	158
155. " " ..	23,	Endeavours to bring about an armistice ..	158
156. Mr. Thomson ..	24,	Treatment of privateers. Reply to No. 53. Note to Spanish Acting Commander-in-chief, and that officer's reply ..	160
157. " " ..	Feb. 1,	Difficulties in the way of negotiations, owing to the Treaty with Peru ..	162
158. " " ..	1,	Reply to No. 83. Interview with Minister for Foreign Affairs, accompanied by French colleague. Formal proposal of good offices ..	163
159. " " ..	2,	Copy of Treaty between Chile and Peru ..	165

No.	Date	SUBJECT.	Page
160. Lieutenant-Colonel Neale ..	Jan. 31, 1866	Arrival at Quito of Peruvian Envoy. Reported conclusion of a Treaty between Equator and Peru ..	165
161. To Mr. Thomson ..	Mar. 16,	Approving Nos. 155 and 158 ..	167
162. Admiralty ..	17,	State of affairs in Chile. Expected increase of United States' squadron in Pacific ..	167
163. To Mr. Thomson ..	19,	Approving No. 156 ..	168
164. To Sir J. Crampton ..	19,	Naval Prize Courts. Reply to No. 152. Unnecessary to make further communication respecting ..	168
165. " " ..	27,	Copy of No. 143. Treatment of privateers. Views of Her Majesty's Government ..	169
166. Mr. Thomson ..	Feb. 3,	Chilean Government wish to negotiate in Chile instead of in Europe ..	172
167. " " ..	3,	Respecting use of torpedos near defenceless places. Danger of bombardment in such cases ..	173
168. " " ..	12,	Burning of prizes by Spanish squadron on raising blockade of Caldera ..	173
169. " " ..	14,	Torpedos. Señor Mendez Nunez will bombard Valparaíso should they be employed ..	173
170. " " ..	15,	Chile will not at present agree to an armistice, as Peru has refused ..	174
171. Lieutenant-Colonel Neale ..	17,	Treaty of Alliance between the Equator, Chile, and Peru ..	175
172. Mr. Barton ..	27,	Instructions to Peruvian vessels of war and privateers. The Equator and Bolivia have joined Chile and Peru ..	176
173. To Mr. Thomson ..	Mar. 31,	Employment of torpedos. Approves No. 169 ..	179
174. " " ..	31,	Reply to No. 170. To propose good offices in behalf of Peru as well as Chile ..	179
175. Admiralty ..	31,	Employment of torpedos. Letter from Rear-Admiral Denman ..	179
176. To Earl Cowley ..	Apr. 3,	Copies of Nos. 170 and 174. That French Chargé Affaires be similarly instructed ..	180
177. " " ..	4,	Wish of Chilean Government to negotiate in Chile regarded by Spain as refusal of proposed terms ..	180
178. To Sir J. Crampton ..	4,	Terms of Memorandum not refused by Chile ..	181
179. To Earl Cowley ..	4,	Sends above under flying-seal to confer with M. Drouyn de Lhuys ..	182
180. Earl Cowley ..	7,	Reply to the above. M. Drouyn de Lhuys concurs ..	182
181. " " ..	7,	Reply to No. 176. Proposal of good offices to Peru. French Government have no objection ..	183
182. To Sir J. Crampton ..	9,	Copy of No. 168. Burning of prizes by Spanish squadron. Opinion of Her Majesty's Government ..	183
183. To Mr. Thomson ..	9,	Ditto ..	183
184. To Mr. Barton ..	10,	Remarks on instructions to Commanders of Peruvian privateers ..	184
185. To Sir J. Crampton ..	11,	Sends copy of the above ..	184
186. Mr. Thomson ..	12,	Prussian Chargé d'Affaires instructed to co-operate with his French and British colleagues ..	184
187. " " ..	20,	Remarks of Chilean Government on threatened bombardment of Valparaíso in the event of torpedos being employed ..	185
188. " " ..	27,	Has taken Spanish subjects detained in Chile under British protection ..	186
189. " " ..	28,	Employment of torpedos. Opinion of Her Majesty's Government ..	187
190. " " ..	28,	Engagement near Abtao between the Spanish and allied squadrons ..	188
191. " " ..	Mar. 2,	Chilean Government cannot yet enter in conjunction with Peru into question of armistice ..	189
192. " " ..	2,	Chile invited to accept mediation of the United States ..	189
193. " " ..	2,	Note from Chilean Government respecting use of torpedos, and Spaniards under British protection ..	189
194. Lieutenant-Colonel Neale ..	1,	Departure of Spanish Chargé d'Affaires for Spain ..	192
195. To Mr. Thomson ..	Apr. 13,	Spanish subjects under British protection. Approves No. 188 ..	192
196. Admiralty ..	13,	Employment of torpedos. Proposed instructions to Admiral Denman ..	193
197. To Mr. Thomson ..	16,	Bombardment of Valparaíso would be justifiable in the event of torpedos being used ..	194
198. To Admiralty ..	16,	Reply to No. 196. Concurs in proposed instructions ..	195
199. Señor de Castro to the Marquis de Molins ..	7,	Considers that Chile has refused good offices ..	195
200. To Sir J. Crampton ..	23,	Reported instructions to Spanish Commander to bombard Valparaíso; to ascertain if true ..	196
201. " " ..	23,	Copies of Nos. 174 and 177. Good offices proposed to Peru. To inform Spanish Government ..	196
202. To the Marquis de Molins ..	25,	Reply to No. 199. Terms of Memorandum not refused by Chile. Good offices extended to Peru ..	197

No.		Date.	SUBJECT.	Page
03.	Earl Cowley	Apr. 25, 1866	French Ambassador at Madrid instructed to support remonstrances ordered in No. 200 against projected bombardment of Valparaiso	198
204.	To Sir J. Crampton	27,	Copies of Nos. 199 and 202. Alleged refusal by Chile of terms of Memorandum	198
205.	M. de Molins	27,	Acknowledging receipt of No. 202. Copy forwarded to his Government	199
206.	Mr. Thomson	Mar. 4,	Reply to No. 104. Letter to British merchants respecting goods in Customs bonded warehouses	199
207.	" " " "	9,	Expected veto by Commander of United States' squadron of bombardment of Valparaiso. Letter to Admiral Denman	200
208.	" " " "	12,	Spanish frigates "Numancia" and "Blanca" fired into at Tubilda by Chilean Militia	201
209.	" " " "	15,	No chance of an armistice, owing to excitement in Spain at capture of the "Covadonga," and death of Admiral Pareja	201
210.	" " " "	16,	Arrival of Bolivian Envoy to conclude a Treaty of Alliance. Probable adhesion of United States of Columbia	201
211.	" " " "	17,	Present state of the question. Little chance of peace	202
212.	Lieutenant-Colonel Neale	17,	Circular from Equatorial Government. War declared with Spain	202
213.	To Admiralty	May 1,	Proceedings of Spanish squadron on the Chilean coast. Copy of No. 208	204
214.	Admiralty	Apr. 30,	Proceedings of Admiral Denman in view of projected bombardment of Valparaiso	204
215.	To Admiralty	May 1,	Sends copy of No. 207. Reported intention of United States' Naval Commander to put a veto on bombardment of Valparaiso. Admiral should be cautioned to be neutral	205
216.	To Mr. Thomson	1,	Copy of the above. Approves No. 207	205
217.	Sir J. Crampton.	Apr. 28,	Reply to No. 200. Alleged intention to bombard Valparaiso. Cannot obtain information as to	205
218.	To Sir J. Crampton	May 3,	Sends copies of Nos. 207, 215, and 216	206
219.	Committee of British subjects at Valparaiso	Mar. 29,	Notification of intended bombardment by Spanish squadron. Strictures on conduct of Mr. Thomson and Admiral Denman	206
220.	" " " "	Apr. 3,	Letters from British subjects at Santiago adhering to the above	208
221.	Mr. Thomson	Mar. 28,	Request from French colleague to take French subjects at Valparaiso under British protection	208
222.	" " " "	29,	Refusal by Chile of terms proposed by Spain through United States' Minister, and threatened bombardment of Valparaiso	209
223.	" " " "	29,	Reply to No. 127. Endeavours to prevail upon Chilean Government to accept terms, and the Spanish Commander to extend delay granted	210
224.	" " " "	30,	Manifesto of Señor Méndez Nuñez, notifying intended bombardment, and protest in reply	211
225.	" " " "	31,	Chilean challenge to Spanish squadron for a naval duel to settle existing differences	215
226.	" " " "	Apr. 2,	Interview with deputation from British community. Refusal to direct Admiral Denman to interfere in bombardment	215
227.	" " " "	2,	Strictures passed on him by meeting of British residents at Valparaiso	216
228.	" " " "	3,	Chile refuses to negotiate unless all Spanish ships except one retire to the Atlantic	216
229.	" " " "	3,	Satisfactory assurance from Chilean Government respecting Spanish subjects in Chile	217
230.	" " " "	3,	Account of bombardment of Valparaiso	217
231.	Mr. Barton	10,	Bombardment by Peruvian Government of Callao castles	218
232.	" " " "	12,	Excitation at Lima at bombardment of Valparaiso. Arrest of Spanish subjects	218
233.	Marquis de Molins	May 12,	Refusal by Chile of terms of Memorandum. That it be officially confirmed by Her Majesty's Government	219
234.	Admiralty	14,	State of affairs in Chile, and bombardment of Valparaiso	220
235.	" " " "	14,	Request from British residents to Admiral Denman to prevent bombardment of Valparaiso, and Resolutions respecting his and Mr. Thomson's conduct	223
236.	To Mr. Thomson	15,	Approves No. 221. French subjects at Valparaiso	226
237.	" " " "	15,	Approves No. 224. Answer to Spanish Manifesto	226
238.	" " " "	15,	Approves No. 229. Spanish subjects in Chile	226
239.	To Marquis de Molins	16,	Reply to No. 233. Lord Clarendon's language respecting alleged refusal of terms by Chile misapprehended	227

No.		Date.	SUBJECT.	Page
240.	To Sir J. Crampton ..	May 16, 1866	Bombardment of Valparaiso. Surprise and regret of Her Majesty's Government. Sends copies of Nos. 233 and 239	227
241.	To Earl Cowley..	16,	Sends No. 240 under flying-seal. As to opinion of French Government on course to be pursued ..	228
242.	To Mr. Thomson ..	16,	Bombardment of Valparaiso. As to danger of attack on other towns	229
243.	To Chairman of Committee of British subjects at Valparaiso	16,	Acknowledging receipt of Nos. 219 and 220. Resolutions respecting conduct of Mr. Thomson and Admiral Denman	229
244.	To Mr. Thomson ..	16,	Sends above, under flying-seal	230



Correspondence respecting the War between Chile and Spain.

No. 1.

Mr. Thomson to Earl Russell.—(Received November 17.)

My Lord,

Santiago, September 27, 1865.

AN express direct to Buenos Ayres by the way of the Cordillera being about to leave, I have the honour to report to your Lordship that on the 24th instant, at 6 in the morning, the Spanish Admiral established a blockade of the coast of Chile. By a steamer belonging to the Pacific Navigation Company, to sail on the 29th, I shall have the honour to address your Lordship on this subject in detail.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

No. 2.

Mr. Thomson to Earl Russell.—(Received November 16.)

My Lord,

Santiago, September 28, 1865.

ON the 17th instant the Spanish Admiral, in the character of Minister Plenipotentiary of Spain, addressed to the Chilean Minister for Foreign Affairs from on board the "Villa de Madrid," then anchored in the Bay of Valparaiso, the note which appears on the first column of the inclosed Supplement to the "Ferrocarril" newspaper, published on the 23rd instant. I have to beg your Lordship to excuse my not having accompanied this printed paper and other of the Spanish inclosures with an English translation, my time having for many days past been much occupied by persons connected with British commercial houses at Valparaiso, by correspondence with them, by meetings of the Diplomatic Body, and by the necessity of dispatching this communication on the 28th of September, instead of, as in the usual course, on the 1st of October. Your Lordship will perceive that this note of the Spanish Admiral bears more the character of an ultimatum than that of the first communication from a Minister charged to negotiate a question, as in the inclosure to the note, a copy of his credentials, he is distinctly stated to be. This note unfortunately was doubly bitter to the Chilean Government and people from the circumstance of its having been presented to the Chilean Minister (though, as I stated to him, it appeared to me fortuitously, and without any intention of humiliating or exciting Chile) on the evening of the 18th instant, the very day from which dates the independence of the country, and while they were celebrating its anniversary with the customary rejoicings. The Spanish Admiral in this note renews all the demands presented by his predecessor, M. Tavira, and in addition requires a salute to the Spanish flag of twenty-one guns, to be fired from one of the Chilean forts. He allows only four days to the Chilean Government to grant satisfactory explanations on the points of complaint. At the bottom of the second column of the same paper your Lordship will find the reply of the Chilean Minister, dated the 21st instant, in which the Chilean Government peremptorily rejects the demands made upon them. On the same evening the Diplomatic Body was invited by the Chilean Minister to meet at the Foreign Office, in order that the note of the Admiral and the reply given to it might be communicated to them. This having been done, it was arranged by the members of the Diplomatic Body to meet the next day to consider what course it was most desirable for them to adopt under the circumstances; and at this

meeting the document of which Inclosure No. 4 is a copy was agreed to. In it they express their regret to observe in the documents above referred to that a rupture between Chile and Spain is so imminent, without any endeavour having been made to arrange the question in conformity with diplomatic usage. They invite the Admiral and the Government of Chile to reopen the discussion of the question on the basis of the claims as presented by M. Tavira in his note to the Chilean Government of the 13th of May last, without having regard to the terms of the two notes already exchanged by them, and conclude by reserving, in the event of their hopes of a peaceful arrangement being frustrated, the right to their Governments to adopt such measures as they might deem fit to obtain compensation for losses sustained by their respective subjects and citizens from so sudden a recourse to hostilities which were unforeseen, from the circumstance of the explanations given by the Chilean Government to M. Tavira having been accepted by him, they therefore confided would be confirmed by his Government.

Inclosure No. 5 is a printed copy of the ultimatum of Admiral Pareja, in which he allows a day and a half for the acceptance of his demands by the Chilean Government, together with the reply of the Chilean Minister for Foreign Affairs, in which he rejects in the strongest terms the Admiral's demands. On the receipt of the latter, and at the expiry of the time given, a blockade was established by the Admiral—that is, at 6 o'clock on the morning of the 24th.

Inclosure No. 7 is a copy of Admiral Pareja's reply to the communication of the Diplomatic Corps of the 22nd, in which he declines to accede to their request to reopen negotiations.

Inclosure No. 8 is a copy of a note addressed to the Diplomatic Body by the Chilean Minister for Foreign Affairs acknowledging receipt of the document Inclosure No. 4 to this despatch.

Inclosure No. 9 is a copy of a second note addressed to Admiral Pareja by the Diplomatic Body as a rejoinder to his reply of the 23rd instant, at the close of which are repeated the reservations and protest contained in their first communication to him.

Inclosure No. 10 is a translation of a communication addressed by Admiral Pareja to me dated the 24th instant, announcing the establishment by him of a blockade of the coast of Chile, and inclosing a copy of the instructions issued to the commanders of the Spanish ships of war for their guidance in carrying out the blockade.

Inclosure No. 12 is the translation of a note dated September 25 from the Chilean Minister for Foreign Affairs, transmitting a double copy of the official Gazette containing a declaration of the President of Chile accepting the war to which the Spanish Government has provoked that of Chile by her unjust aggression.

Inclosure No. 13 is a copy of a note I addressed to the Spanish Admiral acknowledging the receipt of his communication of the 24th, and in which I state to him that in transmitting to your Lordship a copy of his notification of the blockade of the coast of Chile, it would be my duty to state to your Lordship that in my opinion the force at his disposal was not sufficient to render the blockade of the whole coast of Chile effective.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure 1 in No. 2.

Admiral Pareja to Señor Covarrubias.

(Translation.)

"Villa de Madrid," September 17, 1865.

THE Undersigned, Commander-in-chief of the naval forces of Spain in the Pacific, and Plenipotentiary of Her Catholic Majesty, as accredited by the accompanying copy of the full powers conferred upon him, has the honour to inform the Minister for Foreign Affairs of the Republic of Chile that he has received orders from his Government to address to him the present communication in consequence of the offences committed against Spain, the redress for which, in the form accepted by the resident Minister of Her Catholic Majesty, Señor Tavira, did not and could not satisfy what was required by the dignity of Spain.

Señor Tavira having been relieved of his charge, and his conduct highly disapproved, on account of his letter of the 20th last May, addressed to the Government of the Republic, in which, in open opposition to the instructions of the Spanish Government, he accepts as a sufficient satisfaction the explanations contained in the letter of Señor Covarrubias dated the 16th of the same month, it has become the duty of the Undersigned to reproduce now the complaints already made of the conduct of the Government

of Chile, which has been systematically hostile to Spanish interests since the provocation of the conflict, now happily terminated, between Spain and Peru.

Although your Excellency must be well acquainted with the nature of the facts which have occasioned the attitude which the Spanish Government assumes towards the Chilean Republic, the Undersigned, nevertheless, thinks it to the purpose to mention the most important of those facts, refraining from noticing the others, which are shown with due clearness, and fully explained in the various notes of Señor Tavira.

The most prominent of these grievances to which the Undersigned has just referred are the following:—

1. That the insults and seditious cries which were uttered against Spain, before the house occupied by the Legation of Her Majesty, did not receive the necessary correction, not only the authors of that very scandalous proceeding remaining altogether unpunished, but also those who might have prevented it by the use of the force at their disposal. Among the latter, and incurring a heavy responsibility, figures the Commander of the civic battalion, who at the head of his troop looked on, unconcernedly, at what was occurring, and, far from trying to prevent it, even by persuasion and good advice, confined himself, whilst the scandal lasted, to remaining by the side of the mob, noting the proceedings without in any way correcting the disorder, which was equivalent to encouraging it by his presence.

2. The publication of that foul periodical, entitled the “San Martin,” the columns of which overflowed daily with gross attacks on Spain, and on subjects most dear to Spaniards, was the cause of repeated complaints on the part of Señor Tavira; and although the laws of the Republic allow small scope and slight means to the Government of Chile for the purpose of repressing the grave abuses which the said publication daily committed, they might, nevertheless, have been repressed if the official periodical had explicitly condemned the insulting articles which that paper published for the determined purpose of exciting unjust hatred against Spain.

But the Government of Chile did not even have recourse to this indirect way of satisfying the demands of the Representative of Spain, and on this omission is based the complaint brought forward by the Government of Her Catholic Majesty.

3. The Peruvian war steamer “Lerzundi” met with every kind of facility in the ports of Chile for procuring whatever she wanted, even articles specially declared contraband of war. She was permitted to put up bills of enlistment, by means of which she recruited more than 300 men. The Government of Chile denies that the recruiting went beyond the levying of a number of men indispensable for the service of the ship. But against this denial, void of proof, appears the publicity of the advertisement for the enlistment, which is unusual when no other object is in view than the one indicated by the Government of Chile, and exclusively employed when the purpose is to recruit fighting men.

4. The declaration of the Government of the Republic, making coal an article contraband of war, affected in a direct and prejudicial manner the interests of Spain; and with regard to this, as well as on account of the uncalled for nature of the declaration, the Representative of Her Catholic Majesty made a proper complaint, without his just observations having been attended to.

In defence of the act in question, the Government of Chile alleged that its duty required that it should act thus, in consequence of the situation created by the conflict between Spain and Peru, which was equivalent to a state of war. The inefficacy of this argument, however, becomes obvious by observing that the situation to which the Government of Chile alludes was the same as when the Peruvian war steamer “Lerzundi” was permitted to provide herself with articles contraband of war, on the ground that there was no real declaration of hostilities between Spain and Peru. It is evident that the Government of Chile tries to make a distinction between the two cases, supposing that on the 4th of July of last year there was no state of war, but that war was afterwards declared on the 27th of September, by virtue of the resolution of Her Catholic Majesty's Government to continue the occupation of the Chincha Islands.

This last statement, which constitutes the basis of the above-mentioned distinction, is wanting in that complete exactitude which is requisite to produce the effect mentioned by the Government of Chile, as the occupation of the Chincha Islands was maintained as a coercive measure to obtain a prompt settlement of the questions pending with Peru, and not as an act of conquest, as is evident from the manner in which they have been evacuated. The Chincha Islands were occupied for this purpose by Spanish forces when the case of the “Lerzundi” occurred, so that if the possession by Spain of that part of the territory of Peru is the only ground for qualifying the situation created by the conflict between the two nations, it is necessary to admit that, if a state of war did not

exist on the 4th of July last year, it cannot be supposed to have existed on the 27th of September, as the Government of Chile pretends.

It follows that, since the regulation by virtue of which coal was declared contraband of war was not founded on legitimate grounds, and since the consequences of that regulation have been prejudicial to Spanish interests, the Government of Her Catholic Majesty has a strong reason for considering the resolution referred to a gratuitous offence.

5. Notwithstanding the declaration above-mentioned, by which vessels of the Spanish squadron were deprived of the necessary facilities for providing themselves with coal, French ships of war, at the time carrying on hostilities against the ports of another American State, continued to enjoy, in the ports of Chile, privileges which were denied to the naval forces of Spain.

This difference in the treatment offered to two nations, analogously situated with respect to that Republic, constitutes another grievance, the gravity of which is not destroyed by the pretended omission of giving official notification to the Chilean Government of the blockade of several of the Mexican ports in the Pacific, as even admitting the said want of notification, the publicity of the fact was sufficient to entitle Spanish and French vessels to be treated in the same manner.

It appears unnecessary to the Undersigned to continue the relation of the other causes of complaint which Spain has against the Government of Chile, as he considers them sufficiently explained in the respective letters of Señor Tavira; and he confines himself to presenting them as reproduced in this communication, fulfilling thus the orders of Her Catholic Majesty's Government.

The causes which have occasioned the necessity for the Spanish Government to assume the attitude which it now presents towards Chile being determined, the Undersigned must represent to your Excellency that the character of those causes is aggravated by the great lapse of time which has intervened without Spain's receiving the satisfaction which her credit and dignity demand; and that the conduct of Señor Tavira having been disapproved, for having neglected the spirit and letter of his instructions by accepting the note of Señor Covarrubias as a satisfactory explanation, the Government of Her Catholic Majesty considers that the state of things is the same as it was when Señor Tavira addressed to Señor Covarrubias his note of the 13th of May last.

In consequence of which, the Undersigned has received orders from his Government to demand from that of the Republic of Chile, that, as a just reparation for the complaints made by the Representative of Her Catholic Majesty and reproduced in this communication, satisfactory explanations be given on each of the points to which they refer, and moreover that a salute of twenty-one guns be fired by one of the maritime forts of the Republic to the Spanish flag, which salute shall be returned to the Chilean flag by an equal number of guns by one of the ships of this squadron.

If the Government of the Republic does not accede to this just request, it will be exclusively responsible for all the consequences which may arise, with the knowledge that the Government of Her Catholic Majesty is firmly resolved to obtain that satisfaction which it claims, with so much justice, in reparation of the insults which have been offered to it.

In conclusion, the Undersigned must inform your Excellency that if within the period of four days, reckoned from the date of this note, he does not receive an answer to it, he will consider diplomatic relations between Spain and Chile to be broken off, and all the staff of the Legation of Her Catholic Majesty will retire on board the ship bearing the flag of the Undersigned. And should the occasion arise for the Undersigned to make use of the force at his command, which would cause him great pain, he would then consider it his duty to require an indemnification for the injuries sustained by the Spanish squadron in consequence of the proceedings of the Government of Chile; an indemnification which the Government of Her Catholic Majesty, with a characteristic feeling of moderation, will not demand unless in the extreme case of having to appeal to force, but to which it does not give up its right, as the Undersigned considers it his duty to record here in the most solemn manner.

The Undersigned would also consider it his duty to demand compensation for all the damages that the subjects of Her Catholic Majesty residing in the Republic of Chile might sustain in their persons or property; but in making this declaration he cannot but express the hope that, whatever events may happen, the Government of Chile will prevent any conduct unworthy of civilised nations.

The Undersigned, &c.

(Signed)

JOSE MANUEL PAREJA.

Inclosure 2 in No. 2.

Credentials of Admiral Pareja.

(Translation.)

DONA ISABELLA II, by the grace of God and the Constitution of the Spanish Monarchy, Queen of Spain, &c., &c., &c.

Whereas, in order to arrange and terminate the differences pending between Spain and Chile, caused by the wrongs and offences offered to Spain in that Republic by its failing to fulfil the obligations which friendly nations owe to each other, it may be necessary to enter into arrangements with that Republic for the purpose of deciding upon proper satisfaction; as, for this purpose it behoves me that I should duly authorise a person whose zeal in my service deserves my Royal confidence, and the circumstances required by the case being united in you, Don José Manuel Pareja y Septien, deserving well of your country, Knight Grand Cross of the Royal Order of Isabella the Catholic, Commander of the Royal and Distinguished Order of Charles III, twice Knight of the Cross of St. Ferdinand of the 1st Class, decorated with the Cross of the Naval Order of the Royal Diadem, Commander of the Order of St. Gregory of the States of the Church, decorated with the Medal of Pius IX., Senator of the Kingdom, and Chief of Squadron and Commander-General of the Squadron of the Pacific, &c., &c., I have determined to choose and nominate you, as by the present I choose and nominate you, in order that, being invested with the character of my Plenipotentiary, you may confer and agree with the Plenipotentiary appointed by the President of Chile as to what is most fit and proper. And all that you may confer, agree, and treat upon, conclude and sign, I from this time will hold as right and proper. I will observe and fulfil the same, and will cause it to be observed and fulfilled, as if I had myself conferred, agreed, treated, concluded, and signed it. For this purpose I give you my full power in the most ample form required by law. In faith whereof, I have had transmitted to you the present document, signed by my hand, sealed with the Privy Seal, and countersigned by my First Secretary of State.

Given at the Palace of St. Ildefonso, the 24th of July, 1865.

I the Queen.

(Sealed)

MANUEL BERMUDEZ DE CASTRO.

Inclosure 3 in No. 2.

Señor Covarrubias to Admiral Pareja.

(Translation.)

Santiago, September 21, 1865.

THE Undersigned, Minister of Foreign Affairs of Chile, had the honour to receive on the 18th instant, at 6 o'clock in the evening, by the hands of the gentleman intrusted temporarily with the affairs of Her Catholic Majesty, the note dated 17th of the same, addressed to him by Señor Don José Manuel Pareja, in his double capacity of Commander-in-chief of the naval forces of Spain in the Pacific, and of Plenipotentiary, *ad hoc*, of Her Catholic Majesty, in which he informs the Government of Chile, in compliance with the orders of his own Government, that the latter has considered the explanations contained in the note of the Undersigned of the 16th of last May, and accepted by the resident Minister of Her Catholic Majesty, in his note of the 20th of the same month, insufficient redress for the wrongs which Spain pretends to have suffered from the Republic.

Señor Pareja consequently reproduces the complaints already presented by the Honourable Señor Távira, explains some of them, and concludes by demanding of the Government of the Undersigned satisfactory explanations on each of the points to which they relate, and also that a salute of twenty-one guns shall be fired by one of the maritime forts of the Republic to the Spanish flag, which will be returned by a salute of an equal number of guns, fired by one of the ships of the squadron under his command, to the flag of Chile. If this demand is not acceded to within a period of four days, reckoned from the date of the said note, he will consider diplomatic relations between Chile and Spain to be broken off, and if the case should arise of using the force at his command, he will consider it his duty to require, besides, an indemnity for the injuries suffered by the Spanish squadron in consequence of the proceedings of the Government of Chile.

The Undersigned has made known the communication he has received to his Excellency the President of the Republic, and in conformity with his instructions he will proceed to answer it.

It is a matter of observation and surprise to the Government of Chile that Spain should have confided to the chief of her squadron in the Pacific the conduct of the

present business, when she has in the Republic a Legation, by the organ of which she might have discussed it in a much more regular manner. The full powers, a copy of which Señor Pareja has remitted to the Undersigned, do not invest the Plenipotentiary with the diplomatic character which, strictly, he ought to possess, in order to enter into official relations with the Government of Chile. If the Government of Her Catholic Majesty has hoped to render its demands more efficacious by confiding their negotiation to the chief of its fleet, it has committed a notable error, and has deviated fruitlessly from the course most usually followed by civilised nations, bound to each other by solemn Treaties.

On the strength of this irregularity the Government of Chile would, under other circumstances, have refused the answer demanded by Señor Pareja. At the present moment, however, its refusal might have been construed into a dilatory and evasive expedient, which it is far from wishing to use. On the contrary, it strongly desires to arrive, as soon as possible, at a result which may place it in a clear and definite position, and for this reason it has resolved not to refuse the present reply.

With regard to the basis of Señor Pareja's communication, the Government has sincerely regretted that the Cabinet of Madrid should have considered the explanations referred to insufficient, and should have disapproved of the step taken by Señor Tavira in accepting them; but believes that this opinion, which is much opposed to its own, does not affect it in any manner, nor give occasion to bring back matters to the condition in which they stood before the 13th of last May. Not being able to know the tenor of the instructions given to the Resident Minister of Her Catholic Majesty, it was obliged to consider that gentleman to be acting in conformity with them, and to place entire reliance on his words and official acts, as emanating from the representative of the public faith of Spain in Chile. The settlement of the difficulties pending between the two countries was, consequently, a fact which had acquired the authority of a settled affair from the moment Señor Tavira declared, on the 20th of the said month of May, that the explanations of the Undersigned did away with the motives which his Government had for complaint, and in corroboration of this declaration re-hoisted the flag of his nation which had been down for many months.

Notwithstanding this, however, Mr. Roberts, now entrusted, in the interim, with the affairs of Her Catholic Majesty, and knowing that the conduct of his predecessor was disapproved, did not fail to hoist the flag of Spain on Sunday, the 17th instant, as a festival day, and on the day following, the 18th, as a friendly compliment to the glorious anniversary of the independence of Chile. Thus he showed that such disapproval did not prejudice the settlement of the former difficulties. Nor could it be otherwise, for if Governments assumed the right of annulling the obligations which Ministers publicly accredited to foreign States enter into, diplomatic relations would have no basis or object; they would become uncertain and useless, and would afford scope for abuses and frauds to a nation possessed of little scruple.

And even if it were possible to put aside so grave a consideration, one still more grave presents itself. When, on the 13th of last May, Señor Tavira drew up the grounds of complaint which Spain had against Chile, he confined himself to requiring from the Republic, in order to terminate them, solemn declarations compatible with the dignity of Her Catholic Majesty's Government, the instructions of which, he asserted, would be fulfilled by this demand. The declarations were made by the Undersigned, and accepted as satisfactory by Señor Tavira; and even admitting for an instant that the Spanish Government may reject them now, it cannot be admitted that it is authorised in increasing its first demands when the grounds of complaint on which it relies have not been increased. At the present moment, Señor Pareja only repeats the grounds of complaint formerly brought forward, and yet at that time Chile was only required to make declarations; now satisfactory explanations are required, and a salute of reparation to the Spanish flag. And in what manner are these new demands made which are not justified by any new cause of complaint? By means of a peremptory, menacing, and aggressive ultimatum, in which not even the form of conciliation and goodwill have been observed, and which was delivered to the Undersigned on a day most grateful to the memory of Chileans in the midst of the great national festival, as if for the purpose of aiming, thus, another blow at the feelings and dignity of the country.

Such a proceeding reveals a spirit of the most marked prejudice and hostility; the desire to inflict, at all cost, humiliation on a country almost unarmed and without a naval force, from having trusted for its defence to its moderation, rectitude, and equity, and consecrated all the powers of its existence to the fruitful labours of peace. Without the existence of such unpleasant circumstances it will be impossible to conceive how the Government of Her Catholic Majesty can now renew, by the mouth of Señor Pareja, charges which the Undersigned has completely refuted by means of careful and reiterated

explanations, and which, inasmuch as they are contradictory and incompatible among themselves, destroy each other.

In fact, a charge is brought against the Republic for the facilities which the Peruvian war steamer "Lerzundi" met with at Valparaiso, for obtaining provisions and completing her crew. And it is given as a fact that Spain and Peru had entered into a state of war. And yet the motive for another charge is founded in the declaration of the 27th of September, 1864, relating to coal, on the ground that it was based upon the same state of war, which Señor Pareja supposes in this case not to have existed.

The truth is that when the "Lerzundi" was at Valparaiso, there were reasons for supposing that peace existed between Spain and Peru, as there were for believing the contrary when the above-mentioned declaration was made. The case of the "Lerzundi" occurred before the Spanish Government had informed Peru of its intention to maintain the irregular occupation of Chincha, when the commander who had accomplished it had revealed that he had proceeded in that matter without the orders of the Government of Madrid; whilst the Representative of Spain in Chile characterised that occupation as an isolated fact, and subject to the disapproval of his Government, and whilst that of Peru, in the expectation of a very different resolution, did not appear disposed to use force to recover the islands occupied. The declaration respecting coal took place, on the contrary, when the latter Government, after being informed of the resolution so little expected, appeared decided upon taking up arms for the purpose of putting an end to the Spanish occupation, as is proved by the solemn resolutions of the Congress of Peru, the official declarations of the Minister of Foreign Affairs of that Republic, and other public and unequivocal acts.

Such is the reality of the facts, in the face of which the conduct of the Government of Chile is perfectly logical, justifiable, and inoffensive to the rights of Spain. To look upon it in any other way it is necessary to invert, as Señor Pareja has done, the order of events, and to imagine a state of war between Spain and Peru when peace still existed, and peace when war had already begun.

In order to establish another charge on the declaration respecting coal, it is maintained that when that declaration was made, Spain and France were placed in a similar position with regard to Chile; as, if the former was at war with Peru, the latter was at war with the Mexican ports of the Pacific, and that notwithstanding the squadron of the latter Power continued to obtain in Chilean ports the fuel which was denied to the Spanish fleet. To give force to this charge, which has been already considered and refuted by the Undersigned, an evident error is committed:—a state of intestine war, which alone existed in Mexico last year, as it exists now, although one of the contending parties has the support of foreign arms, has been compared with a state of war between two independent and sovereign nations like Spain and Peru. If the Government of Chile were under the necessity of corroborating the arguments it formerly used to combat this charge, it would also bear in mind that the charge is founded on an uncertain circumstance and one destitute of proof, namely, that in reality some vessel of the French squadron, destined to blockade the Mexican ports, obtained coal or some other contraband article in the Chilean ports. The Government of Chile, however, is without information on the subject and cannot accept an hypothesis as a ground of complaint.

Not more consistent is the charge brought against the Republic, on account of the incident which took place on the 1st of May last year, before the door of the Spanish Legation. Painful as was that incident it did not involve any outrage on the flag of Spain, as the Undersigned has already had the honour to prove in his communications with the honourable Señor Tavira. So certain is this fact that it has been implicitly admitted, not only by the said Señor Tavira, and the Government of Her Catholic Majesty, but even by Señor Pareja himself. Offences against the flag of a State which has any respect for itself are of such gravity that no relations are possible between the offender and the offended until complete satisfaction has been given for the offence. If the Spanish flag had been outraged, and if the outrage had remained till now without reparation, Señor Tavira would not have continued in relation with the Government of Chile, nor would he have continued to reside in this country; the Sovereign of Spain would not repeatedly have addressed the President of the Republic in the course of last year to inform him of the prosperous or adverse circumstances which affected her royal family; Señor Pareja, in the Treaty which put an end to the occupation of Chincha, would not have called Chile a friendly nation; the Spanish Government would not have approved of this epithet, which no later circumstance has occurred to modify or render less correct; and, finally, Mr. Roberts, charged in the meanwhile with the affairs of Her Most Catholic Majesty, would not have raised the Spanish flag over the door of his house on the last festival day, as well as on the 18th of September, the glorious anniversary of national independence. Whilst

all these circumstances have taken place, showing that no outrage incompatible with the continuance of friendship and relations of all kinds between Chile and Spain can exist, the Government of the Republic is requested to fire a salute of reparation to the flag of Spain!

Another charge, as inconsistent as the preceding, is the one made against the Government of the Undersigned for not having explicitly condemned in the official periodical the abuses of the "San Martin." It would be difficult to find a more explicit condemnation of those abuses than that contained in the notes of the Undersigned on the said publication, and the last discourse read by his Excellency the President of the Republic at the opening of the Legislative Body; documents which have had a much greater publicity than the official periodical of Chile which is without political discussions. And yet attention is called to the silence of this periodical, whilst no account is taken of the condemnation contained in those documents of a much higher official character and having a far greater publicity. When such charges are maintained it is not possible to give them any importance unless by means of an ultimatum.

What precedes will enable Señor Pareja to comprehend that the Government of Chile, perfectly convinced of the rectitude of its acts and of the loyalty of its policy towards the Government of Her Catholic Majesty, cannot confess itself guilty of imaginary wrongs against Spain, or accept the indecorous and humiliating proposal made to it, to salute the Spanish flag, a proposal which it peremptorily rejects with strong aversion.

Insinuations contained in the note of Señor Pareja leave it to be understood that the present reply will determine the Commander-in-chief of the Spanish squadron to exercise measures of hostility against the Republic. The Undersigned, in the name of his Government, therefore at once protests in the most energetic and solemn manner against such measures, which will be contrary to the spirit of the Treaty in force between Chile and Spain, which will be the signal for a declaration of war between the two countries, and which will imply a scandalous abuse of power, the whole tremendous responsibility of which will fall on the aggressor.

If such an emergency should arise the Republic, fortified by the justice of her cause, sustained by the heroism of her sons, taking God for judge, and the civilized world as witness of the conflict, will defend her honour and her liberty to the last gasp, and will carry on the war in every way permitted by the law of nations, however extreme and painful they may be.

The Undersigned, &c.

(Signed)

ALVARO COVARRUBIAS.

Inclosure 4 in No. 2.

Act of the Diplomatic Corps resident in Chile.

(Translation.)

THE Government of the Republic of Chile having communicated to the undersigned members of the Diplomatic Corps resident at Santiago the following documents:—

1. The note dated the 17th of this month, addressed by Admiral Pareja, Plenipotentiary of Her Catholic Majesty to the Minister for Foreign Affairs of the Republic of Chile;
2. The powers conferred by Her Majesty the Queen of Spain on Admiral Pareja;
3. The answer, dated the 21st of this month, of the Minister for Foreign Affairs of Chile to Admiral Pareja;

The Undersigned have seen with regret from these documents that a rupture is imminent between Chile and Spain without any endeavour having been made to settle the disputes between them in an amicable way, although that way of proceeding is sanctioned by the diplomatic usages of civilized countries, and although the powers referred to under No. 2 peremptorily direct the opening of negotiations as a means of arriving at a reconciliation, as is shown by the following expressions:—

"It may be necessary to enter into arrangements with the said Republic."

"You may confer and agree with the Plenipotentiary appointed by the President of Chile upon what is most fitting and proper."

In the interest of Chile and Spain, and in that of their respective countries, the Undersigned hope that Admiral Pareja and the Government of the Republic will, without keeping to the terms of the notes exchanged, still open negotiations with a serious intention of arriving at a pacific solution of the questions between them.

In case this legitimate hope should be disappointed, considering the injuries to which the commerce of their respective countries, relying in consequence of the arrangement of the 21st of May last, on the preservation of peace, would be exposed by a sudden rupture between Chile and Spain, and while waiting for instructions, the Undersigned reserve to

their Governments the adoption of such measures as they may consider necessary in the interests of their subjects. At the same time the Undersigned, under these exceptional circumstances, solemnly protest against every act of hostility prejudicial to the persons or the property of their respective countrymen.

The Undersigned have signed this act in triplicate; one copy will be forwarded to the Minister of Foreign Affairs of the Republic, another to Admiral Pareja, and the third will be deposited in the archives of their doyen, the Minister Plenipotentiary of the United States of America.

Done at Santiago, 22nd September, 1865.

(Signed) THOMAS H. NELSON, *Envoy Extraordinary and Minister Plenipotentiary of the United States of America.*

ANTONIO FERRO, *Resident Minister for the United States of Colombia.*

HERMOGENES DE IRIZARRI, *Chargé d'Affaires of the Republic of Guatemala.*

W. TAYLOUR THOMSON, *Chargé d'Affaires of Her Britannic Majesty.*

LEVENHAGEN, *Chargé d'Affaires of His Majesty the King of Prussia.*

FLORY, *Consul-General and Chargé d'Affairs of France.*

Inclosure 5 in No. 2.

Admiral Pareja to Señor Covarrubias.

On board the "Villa de Madrid," in the Port of Valparaíso, September 22, 1865, 7-30 A.M.

(Translation.)

THE Undersigned, Commander-in-Chief of Her Catholic Majesty's squadron in the Pacific, and her Plenipotentiary to treat with the Government of Chile, had the honour of receiving, at 5 o'clock this afternoon, the note which Señor Covarrubias, Minister for Foreign Affairs of the said Republic, has addressed to him, in answer to his note of the 17th instant, and he learns from its perusal that the Government of Santiago refuses that which he, by order of his Government, has asked of it as a just redress for the insults offered by Chile to Spain. He has now to declare, in accordance with the instructions of his Government, that if at 6 o'clock in the morning of the 24th instant the Government of the Republic shall not have acceded to the said request, diplomatic relations will be entirely broken off between Spain and Chile, and the Undersigned will, from the moment of the expiration of the said term, be under the painful necessity of having recourse to the force which he has under his command, in order to obtain the reparation which the Government of Santiago refuses to give, as the Undersigned could have desired, by pacific means.

The Undersigned renews to Señor Covarrubias the declaration which he made at the end of his former note, that he will consider it his duty, upon employing the forces under his command, to require an indemnification, both for the injuries which those forces may suffer, and for all the damage which the subjects of Her Catholic Majesty residing in the Republic of Chile may incur in their persons, property, or goods; but he hopes, as he said in the following line of the said note, that the Government of Chile, whatever may be the eventualities that may follow, will be able to prevent every proceeding unworthy of civilized nations.

The Undersigned, &c.

(Signed)

JOSE MANUEL PAREJA.

Inclosure 6 in No. 2.

Señor Covarrubias to Admiral Pareja.

(Translation.)

THE Undersigned, Minister for Foreign Affairs of Chile, has the honour to acknowledge the receipt of the note which Señor Pareja, Commander-in-chief of the Spanish squadron in the Pacific, and Plenipotentiary, *ad hoc*, of Her Catholic Majesty, addressed to him at half-past 7 o'clock yesterday evening, and which reached the hands of the Undersigned at 8 o'clock this morning. In that communication Señor Pareja insists upon

his demand for satisfaction, which has already been rejected by the Government of Chile, and he announces that if by the 24th instant, at 6 in the morning, the Government shall not have acceded to that demand, he will have recourse to the force under his command to obtain his claims. At the same time he declares again that if he has to employ that force, he will require an indemnification for the injuries which may result therefrom to his squadron, as well as for all the damages which Spanish subjects resident in the Republic may suffer in their persons and interests.

The Undersigned hastens to fulfil the instructions of his Government in repeating to Señor Pareja the inflexible resolution of the Republic not to submit to the dishonourable and unjustifiable conditions which have been proposed to it. Chile will never purchase peace at the cost of her dignity and her rights.

Señor Pareja is prepared, then, to execute to-morrow morning the acts of force which he has in contemplation, and thus to exhibit the sad spectacle of an international offence, which the conscience of civilized nations will know how to characterize and to blame severely, and the bitter fruits whereof his own country will not be long before it reaps.

But Señor Pareja will deceive himself very much if he bases any serious expectation on his project of indemnification above mentioned. The Government of the Republic rejects at once, whatever future contingencies may be, every demand for compensation arising from the force which may be employed by the chief of the Spanish squadron. For the rest, although Señor Pareja has no right to appeal to the practices of civilized nations, when he is about to perpetrate an act of violence which justice and civilization unite in condemning, the Government of the Republic will always know how to fulfil the duties which honour, public faith, and international rights impose on it.

The entire and exclusive responsibility of the incalculable evils which the pending conflict will bring upon the Government of Chile and the inhabitants of that country, both natives and foreigners, must rest upon the oppressor, upon the Government of Spain, and its agents, whose design is to subject the Republic to the most vexatious proceedings, without any just reason, without any decent or plausible pretext, in violation of the laws of international right, and trampling on those most respected and honoured among enlightened nations. Consequently, the Government of the Undersigned will demand from that of Spain the most ample and complete reparation for those damages and these wrongs, by such means as may be effective, and with the energy proper to its good right.

In giving this intimation to Señor Pareja in the most decided manner, the Undersigned returns to his protest, and protests once and a thousand times against any act of hostility which the squadron may direct against the Republic, and which will immediately produce a declared war between Chile and Spain.

The Undersigned, &c.

(Signed)

ALVARO COVARRUBIAS.

Inclosure 7 in No. 2.

Note from Admiral Pareja in answer to the Collective Note of the Diplomatic Corps.

On board the "Villa de Madrid," in the Port of Valparaiso, September 23, 1865.

(Translation.)

THE Undersigned, Her Catholic Majesty's Commander-in-Chief in the Pacific and her Minister Plenipotentiary, has had the honour of receiving the collective note of the Diplomatic Corps resident at Santiago, which the Representative of the United States of America, doyen of the said Corps in the Republic of Chile, has been pleased to forward to him through his Consul at Valparaiso.

In that note, the public Ministers who sign it express the same regret as the Undersigned feels for the rupture between Chile and Spain, a rupture due to the obstinacy of the Government of the Republic in not acceding by pacific means to the reparation which it owes to the Government of Her Catholic Majesty for the wrongs which it has done it, and which the latter cannot pass over with due regard to its honour.

In answering the said note, the Undersigned must state to the Diplomatic Corps, through its doyen, that the notes exchanged between Señores Tavira and Covarrubias, both last year and in May of the present year, respecting the said wrongs, prove that the necessary endeavours were made, on the part of Spain, to settle in a friendly manner the dispute occasioned by the Government of Chile in inflicting those wrongs; and that, as the Government of Her Catholic Majesty was not satisfied, nor could be satisfied with the

explanations accepted in May by Señor Tavira, there remained no other step to be taken with the Government of the Republic than to demand peremptorily the reparation which it is in every way bound to give. And it is clear that as the Undersigned was appointed to replace Señor Tavira, he had nothing else to do than to present the said demand to the Government of Santiago, in the terms in which it has been made, keeping strictly to the instructions of his Government. It has already been sought to settle this dispute by various notes, and the Government of Spain has not considered the evasions offered by that of Chile in its notes of May last, as a reparation, but has stood upon its right in demanding that reparation peremptorily from the Government of Chile; and neither Her Catholic Majesty's Government nor its Representative has in any way deviated in this case from what the diplomatic usages of diplomatic nations have sanctioned.

The Undersigned will deplore as much as the public Ministers to whom he has the honour to address himself, the inevitable injuries to commerce which the hostilities against Chile will bring with them; but he must be permitted to express to the Diplomatic Corps the assurance which he feels that if any one of their respective Governments had received from that of Chile the wrongs, the insults, which the latter has offered to the Government of Spain, it would have acted in a similar manner; that is, in no way would it have considered as a reparation the evasions offered by the Chilean Government in its notes of May last. Consequently, the results which those notes would have, might very well be supposed, the more so, inasmuch as Señor Tavira, in accepting the explanations given in those notes, says in his own of the 20th of that month, "In my opinion, all the grounds of complaint which my Government brought forward disappear;" an evident proof that such an acceptance on the part of Señor Tavira was in no way binding on his Government, and therefore it could not give confidence in the preservation of peace.

The Undersigned regrets that he cannot fulfil the hope of the Diplomatic Corps resident at Santiago; but, nevertheless, he does not fail to appreciate to its full value the endeavour which, in conformity with their noble mission, they have made in their note to prevent the rupture between Chili and Spain.

The Undersigned will not conclude without stating to the foreign public Ministers resident at Santiago, that, in order that they may appreciate to their full extent the just causes which have induced the Government of Spain to put the question between it and the Government of Chile on the footing on which it now stands, he incloses a copy of the Memorandum which his Government has directed him to forward to those of the other Spanish American Republics, in case of its rupture with Chile; and as it is to be feared that the Government of that Republic, according to the tenor of the note which the Undersigned received from it yesterday, will not accede to the demand for reparation which he has repeated to it in the ultimatum which was sent to it last night, and the term whereof expires at 6 o'clock to-morrow morning, if the denial be confirmed again, the rupture will take place from that same hour.

The Undersigned, &c.

(Signed)

JOSE MANUEL PAREJA.

Inclosure 8 in No. 2.

Señor Covarrubias to the Diplomatic Corps.

*Ministry of Foreign Affairs, Santiago,
September 23, 1865.*

(Translation.)

THE Undersigned, Minister of Foreign Affairs of Chile, has had the honour of receiving the note of yesterday's date which the Envoy Extraordinary and Minister Plenipotentiary of the United States of North America has been pleased to address to him, together with the act of the meeting held yesterday by the Diplomatic Corps resident in this capital.

In the name of his Government, the Undersigned returns most cordial thanks to the Minister Plenipotentiary and his honourable colleagues for the interest which they have taken in the complication which at the present time threatens to cause a rupture between Chile and Spain.

The Diplomatic Corps has seen and deplored with good reason that this rupture has not been preceded by any endeavour on the part of the Commander of the Spanish squadron to discuss the differences amicably. Such an omission is the more strange and painful, inasmuch as the Government of Chile has never refused to explain its acts, being certain, as it is, of never having done any injury to the honour or to the legitimate interests of Spain.

Nevertheless, in order to revive a settled dispute, she has preferred to abandon all conciliatory ways; she has begun by presenting a peremptory ultimatum, and by requiring, in a threatening tone, satisfactory explanations, which the Government of Chile has never refused, and a salute of satisfaction, which is not based on any real wrong; and thus the Republic is fatally placed between the two alternatives of a rupture or an undeserved humiliation. The choice could never be doubtful for a Government which knows how to respect the dignity of its country as well as its own.

The fresh communication which the Undersigned has this day received from Señor Pareja makes this painful extremity still more imminent, since he re-enforces the former ultimatum, and announces a speedy recourse to hostile measures.

The responsibility for the mournful consequences which these measures must occasion rests solely with the Chief of the Spanish squadron and with the Government of Her Catholic Majesty, which has authorised an aggression unjustifiable in its antecedents, in its form and in its object.

The Undersigned, &c.

(Signed) ALVARO COVARRUBIAS.

Inclosure 9 in No. 2.

The Diplomatic Corps to Admiral Pareja.

(Translation.)

Santiago, September 24, 1865.

THE undersigned Members of the Diplomatic Corps, resident at Santiago, have seen with regret from the note of the 23rd of this month which Señor Pareja, Commander-in-chief of Her Catholic Majesty's in the Pacific, and her Minister Plenipotentiary, has been pleased to address to them, that his Excellency insists upon supporting his demands by armed force, without previously endeavouring to attain the object of his mission by conciliatory proceedings.

The Undersigned do not consider themselves called upon to express an opinion with regard to the motives which have induced the Government of Her Catholic Majesty to demand satisfaction from the Republic of Chile; they only desire to prevent a rupture, if it is not necessary, between two countries which, but a short time since, were in amicable relation with each other, and with which their own countries are connected by numerous interests. It was for this reason that the Undersigned took upon themselves a few days ago to express to his Excellency their hope, that, in conformity with the terms of the powers conferred upon him, and guided by peaceful desires, he would open negotiations with the Government of the Republic. They do not concur in his opinion that it only remains for him to make peremptory demands; the explanations given to Señor Tavira, by the Minister for Foreign Affairs of Chile, in his note of the 16th of May, were satisfactory to the negotiator of Her Catholic Majesty. From that moment an arrangement between the two countries was concluded; the differences which had for some time cooled their relations ceased to exist; and Señor Tavira having acted as Minister of Her Catholic Majesty, had a right to suppose that the arrangement accepted by him would be ratified by his Court. The disapproval which he has met with replaces the two parties interested in the position in which they were before the beginning of the first negotiations; consequently, there would have been an opportunity of opening them again. In conformity with this diplomatic rule, as well as with common law, the note of the 17th of this month, which the Commander-in-chief addressed to the Minister for Foreign Affairs of the Republic, says, "It has become the duty of the Undersigned to reproduce now the complaints already made."

It also says, "Causes of complaint . . . which are fully explained in the respective notes of Señor Tavira; and he limits himself to giving them as reproduced in this communication, thus fulfilling the orders of Her Catholic Majesty's Government."

And further on, "The Government of Her Catholic Majesty considers that the state of affairs is the same as when Señor Tavira addressed his note of the 13th of May last to Señor Covarrubias."

The Commander-in-chief, in his note of the 17th, refers to that of Señor Tavira of the 13th of May last, taking it as the starting point of his negotiations; but instead of waiting for the answer which the Minister of Chile might have given him under the then circumstances, his Excellency adds to the demands made by Señor Tavira, and threatens the Government with hostilities if it does not grant what is required within a period of a few days: his Excellency puts an ultimatum before opening the negotiations.

The Undersigned have reason to believe that the Government of the Republic would not have refused to give satisfactory explanations if the Commander-in-chief had made an attempt to discuss the existing differences in a friendly way; but it was impossible that it should accede to demands made in a menacing tone, from the very beginning, by a peremptory ultimatum.

The Undersigned, depending upon the reasons given above, repeat the expression of their hope, that negotiations will still be opened with a view to a peaceful solution of existing difficulties; if acts of hostility should occur before the means of conciliation have been exhausted, the Undersigned will consider themselves obliged to maintain the reservations and the protest which they have already presented as their act of the 22nd of this month.

The Undersigned, &c.

(Signed)

THOMAS H. NELSON.

ANTONIO FERRO.

HERMOGENES DE IRIZARRI.

WM. TAYLOUR THOMSON.

LEVENHAGEN.

FLORY.

P.S.—At the moment when the Undersigned were about to address this note to his Excellency, they learn that he has declared hostilities, and therefore it only remains for them to refer to the last paragraph.

N.
F.
I.
T.
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Inclosure 10 in No. 2.

Admiral Pareja to Mr. Thomson.

*On board the "Villa de Madrid," in the Port of
Valparaiso, September 24, 1865.*

(Translation.)

THE Government of Chile having obstinately refused to give to that of Spain due satisfaction for the different grievances of which it complains, the Undersigned, Commander-in-chief of Her Catholic Majesty's naval forces in the Pacific, and her Minister Plenipotentiary, communicates to the Chargé d'Affaires and Consul-General of Great Britain that, in compliance with the orders of his Government, he declares the diplomatic relations with Chile broken off, and her ports in a state of blockade.

On this understanding he has the honour to inclose herewith the instructions which, for carrying out this blockade, are to be observed by the Commanders of Her Catholic Majesty's vessels employed to maintain it. By them he will see that at the same time that they will endeavour to damage, as much as possible, the interests of Chilean commerce, there is conceded to neutral vessels all the privileges possible to be granted, consistent with the attainment of that object, so much so that the Undersigned does not hesitate to consider them as the most favourable which, under similar circumstances, have been until now granted by any belligerent nation.

At the same time the Undersigned has to state that, in order not to prejudice the commerce of other nations than that of Chile in the transactions which they may have pending, he has determined to grant a term of ten days for the neutral merchant-vessels which, at the time of notifying the blockade to their respective Consuls, may be in Chilean ports, to sail either with cargo or in ballast; it being well understood that the captains of such vessels shall prove to those of the blockade that the nationality of the said vessels is dated previous to the day on which the blockade was notified to their Consuls, which circumstance must be accredited by the captains by a certificate granted *ad hoc* by the Consuls themselves, without which requisite they will be held to be Chilean.

As the blockade from the moment of its notification has for its object, as already stated, to do all the injury to Chile which the rights of war authorize, the aforesaid term does not refer to neutral merchant-vessels which, being in one port of the Republic, may be taking in cargo destined for another port of the same Republic, that is to say, that the concession of the term is confined to those which load bound to a neutral port.

In communicating the foregoing to the Chargé d'Affaires and Consul-General of Great Britain, the Undersigned must state that, under this date he will notify it to the Consul of his nation at Valparaiso, in order that he may bring it to the knowledge of his countrymen, and with the same object it will be communicated by the Commanders of the squadron under their command to the respective Consuls at the places, the blockade of which they are charged to maintain.

In thus complying with the instructions of his Government the Undersigned, &c.
(Signed) JOSE MANUEL PAREJA.

Inclosure 11 in No. 2.

Instructions issued by the Commandant-General of the Pacific Squadron to the Commanders of the Ships forming the same, to be strictly attended to by them.

(Translation.)

THE Republic of Chile being in a state of war with Spain, is wholly responsible for the consequences of that state.

Therefore, and in order that your conduct with the vessel under your command may be best calculated for hostilities against Chile, and at the same time for avoiding damage to the neutral nations carrying on trade with that Republic, I proceed to dictate to you the rules which you are to observe, and which are best fitted to attain these two objects:—

1. You are authorized from this date to pursue and capture every vessel of the Chilean Republic, whether ship-of-war, privateer, or merchant ship, and whether at sea or in a harbour of the said Republic.

2. In like manner you are authorized to take possession of the cargoes of Chilean merchant ships, provided those cargoes do not belong to any neutral Power; but you may capture these cargoes, if composed of articles contraband of war, although they may be neutral property.

In case the cargo, property of a neutral, found in a Chilean vessel be composed partly of articles contraband of war and partly of other articles, you may only capture the illicit part of the cargo, leaving the other part free, although it belong to the owner of the illicit part.

3. You are likewise authorized to detain and capture any neutral ship carrying to the enemy, or from the same enemy, any official despatches, or land or sea troops, or seamen for the ships of the enemy.

4. You are likewise authorized to capture all cargo found in a neutral ship composed of contraband of war, it being understood that the ship remains free after the illicit cargo is taken away; if a part of such cargo should be of lawful trade, that part shall also remain free, even though it belong to Chilean citizen or citizens, because the free ship also makes the lawful merchandize free.

5. You are also authorized to capture those vessels the neutrality of which is not proved by proper documents.

6. You may detain every neutral vessel which, by the construction of her hull, by her partition or by other especial circumstances, leaves no doubt that she is built for war, although she appear to be a merchant ship, and her cargo not contraband of war, as it might be the case that such vessel was built by a private firm for the enemy, or may have been sent out from a neutral port to be sold to the said enemy; for in both cases such a ship is to be looked upon as contraband of war, being an indubitable implement for the same.

7. Those vessels shall be considered suspicious, and shall be submitted to investigation, which carry double papers, or such as appear false.

Those which have not the papers required by the regulations of the country to which they belong, and those which do not stop when desired to do so by one of the ships of this squadron maintaining the blockade, or those also which resist a search of those parts of the vessel where contraband of war is suspected. Those suspicious vessels shall be treated as enemies, unless by some means they be enabled to remove the suspicion which has fallen upon them.

You will particularly observe that it is of the utmost importance to examine the ship's papers, because it is upon these papers that the validity or non-validity of her capture is to be founded.

8. Neutral merchant ships which are convoyed by a neutral ship or ships-of-war

cannot be visited, the written declaration of the commander of the convoy that they do not belong to the enemy, or carry contraband of war, being sufficient. If, notwithstanding this declaration, you think that the good faith of the officer has been deceived, you will make known the same to him, in order that he alone may search the vessel or vessels which have been suspected.

9. In case of meeting with any privateer carrying a Chilean flag you will capture her, and treat her like any other merchant ship of the enemy, unless it should appear on the examination of her papers that she has not such as are required for privateering, as in that case she must be looked upon as a pirate.

Those documents are :—

(1.) Letters of marque (“patente de corso”) issued in her favour by the Government of her nation, in which the time and the places are expressed in which she may make war against the enemy.

(2.) All the proofs necessary to shew her nationality; moreover the ship must be manned by a crew, the majority of which shall be subjects of the nation to which she belongs.

10. You are not to interfere with the fishing on the enemy’s coast, even within the territorial waters, that is to say, up to the limit of the farthest cannon-shot of this squadron, supposing it to be fired from low-water mark on the coast; but you will take care that this concession do not give rise to abuses which may prejudice the blockade, or any operations that may be undertaken.

11. In order that a blockade may be effective, and consequently respected, it is indispensable that it should be maintained by forces sufficient to make the entrance into the harbour or harbours where it is maintained everywhere dangerous.* Thence arises the absolute necessity of keeping your ship in a situation calculated to attain the effectiveness of the blockade which it maintains, saving a real *force majeure*, which prevents it; for it must be kept in mind that the violation of a blockade is legitimate as soon as it ceases to be effective.

12. The attempt to enter into or depart from the blockaded harbour constitutes a violation of the blockade; but any neutral vessel may do the latter, that is to say, may depart when in ballast, or with a cargo taken on board before the blockade, or within the term fixed by the commander of this squadron. Consequently you may not capture neutral vessels which are found to be within these conditions.

13. A neutral vessel bound to a blockaded port is not obliged to know that such blockade exists until after it has been notified to her, and the notification is written in the muster-roll, or in some other document which the vessel carries. Therefore, when a ship is proceeding towards the port that you are blockading without being aware of the same, you will direct the officer who visits her to stamp such notification in her muster-roll, allowing the vessel afterwards to proceed to any port that suits her; but not to the blockaded port, or to any of the other ports of Chile.

The captain of the vessel to whom the blockade is notified shall give a receipt of the notification, and in it the day, the place, or the astronomical position where this is done shall be stated.

The ship to which the notification is given must not be searched.

When once the notification is entered (“estampada”), if the said ship endeavour to enter, or do enter the limits of the blockade, or if, having entered, she shall try to get to the blockaded port, or to communicate with the enemy’s coast, you shall capture her with all her cargo.

It follows from the above that when the existence of the blockade is once known to every neutral vessel, you are to capture any one of them that endeavours to break the same.

14. The declaration of war having been notified, as it has already been to Chile, you may capture all the vessels of that Republic, whether war-ships or trading vessels, with all the enemy’s property found on board, notwithstanding their being beyond the line of blockade, and although they do not attempt to break the same.

Any portion of their cargoes that may be neutral, if not composed of contraband of war, shall be free.

15. If through necessity, on account of bad weather, want of provisions, &c., a neutral ship should desire to enter the blockaded port, you shall allow this to be done, after proof given of the necessity which obliges her to do so.

* The only legitimate exception to this general rule is that which admits as a cause, the accidental and temporary absence of the blockading ships, caused by bad weather. Consequently, any attempt which may be made to break the blockade by taking advantage of the accidental withdrawal of the ships forming the same, is to be considered fraudulent.

But if such ship carry contraband of war, you shall oblige her to deposit the same in the ship under your command, and in the other vessels which are maintaining the blockade; or, if her captain prefer it, you shall cause him to bind himself in writing to keep it on board until his departure. In this case you shall have the document drawn up in the most explicit manner possible.

16. As it results from the preceding Articles that you will have to exercise the right of search, I proceed to explain to you the manner in which this should be done, so that no unpleasant difficulty may arise from such right; and although the law of war permits its exercise in all places, I declare to you decidedly that you are not to exercise the same except in the places and under the circumstances where well-founded reason exists for believing that its exercise will result in the confiscation of the vessel searched.

The following is the way in which you are to proceed:—

(1.) When you are about to examine and search a vessel, you shall display the national flag, firing a gun without ball, at which intimation the trading vessel will stop to await recognition and fly her flag. If she does not, you will act so as to oblige her to do so.

(2.) If, then, the trading vessel stops and flies her flag, you will remain at such distance from her as you think expedient, according to the state of the wind and sea, or according to any other circumstances which it is impossible to foresee, looking always to the safety of the boat which you send to reconnoitre. Some writers on maritime law say, and the same is laid down in the instructions given by the Minister of Marine of France, in 1854, to the Admirals and Captains of her ships of war, that the reconnoitering ship should remain beyond gun-shot of the vessel examined; but some writers, such as Ortolan and Negria, impugn that doctrine: in such circumstances, therefore, the best guide will be the practical view of the Commander of the reconnoitering ship. Thus recommending to you, on this point, the utmost prudence, so that in this act you may reconcile moderation with any assistance which the boat going to reconnoitre may require, you may manœuvre in accordance with what is intimated at the beginning of this paragraph; there is also the circumstance that the principle there established is also declared, for cases like those under consideration, in the Convention concluded on the 16th May, 1832, between the Republics of the United States and of Chile, and, as it is believed, in other subsequent stipulations.

(3.) As soon as the trading vessel has stopped, you will send a boat to her, in charge of an officer. The latter, accompanied by no more than two or three men, shall go on board and proceed to ascertain the nationality and class of the vessel and cargo, and whether or not she is engaged in illicit trade; that is to say, whether she carries articles contraband of war. For this purpose the officer shall require the Captain to show the commission ("patente"), the list of the crew, and the bills of health of the port of departure, from which papers he may infer the nation to which she belongs, and the lawfulness of the navigation.

If it should appear from the said examination that the vessel visited is neutral, and bound to a port also neutral, the search is ended and the officer is to leave the vessel at liberty, without proceeding to the examination of the nature of her cargo, entering the same in the papers of the vessel.

If the vessel visited is bound to an enemy's port, then the officer, in addition to the examination of the above-mentioned documents, shall proceed to require of the Captain those which show the nature of the cargo, and if it appears from them that there is not any contraband of war in it, the search is concluded and the vessel is at liberty; the above-mentioned entry being made as there stated. But if it appear from those documents that there is contraband of war on board, you shall proceed to capture the vessel; but you are to understand that not even in this last case may you proceed to open hatches, presses, or chests, with the object of seeing if there be other papers, or suspected articles.

(4.) It is well understood that what is prescribed in the paragraphs of this Article does not in any way alter what is pointed out to you as stated in respect of the blockade which you maintain.

(5.) You must remember that if any chance circumstances should cause you to depart from the blockade, and to go to the coast of a neutral country, the right of search ceases in the territorial waters of such country, and I have already intimated to you, in Article 10, that the extent of those waters is bounded by the farthest cannon-shot of the ships of this squadron; that is to say, that within such distance you must not exercise the right of search.

(6.) I must repeat to you here what I say in the last paragraph of Article 7, that it is of the utmost importance "to examine the ship's papers, because it is upon these papers that the validity or non-validity of her capture is to be founded."

17. If the vessel be captured in consequence of the search, the officer shall retain all her papers, giving a receipt for them to the Captain, and he shall require the latter to make sail and to proceed to the reconnoitering ship, which shall then back sails again.

As soon as the searched vessel comes near, you shall man her, and shall direct the officer in whose charge she is to remain and make an inventory of everything she contains, sealing down the hatches when this is done.

18. You are to retain the persons of the crew on board the captured vessel, whether merchantman or privateer; but the women and children, and generally all the persons who do not form a part of the Chilean army or navy, and have no connection with either arm, may land in the first port where the vessel puts in after her capture.

If the captured vessel be a war ship, you will observe the exception which I have mentioned; and if you consider it expedient you may transfer a portion of the crew, taking them to the port which you may judge most proper, but requiring from them a formal promise in writing that they will not engage on board of any other ship-of-war or privateer of the enemy.

19. In order that you may have no doubt as to the articles which are considered contraband of war, here follows an enumeration of them, in addition to the vessels which are in the circumstances pointed out in Article 6:—

Cannons, mortars, guns and all kinds of arms, as well as every sort of projectile, carriages, matches, either fulminating or of cord, capsules, measures, gunpowder, saltpetre, brimstone, articles of military clothing, articles of leather, saddles for horses, camp-seats, field-tents, and in general all implements and objects manufactured for war.

20. You will not oppose the entry or departure of neutral war-ships into and out of the harbour which you are blockading.

Additional Article.

For the clear understanding of the 12th Article of these Instructions you will observe that the concession made therein, that neutral ships may depart from the harbours of Chile “with a cargo taken on board before the blockade” is on the understanding that the departure take place within the term fixed by the Commander of this squadron, and not after the lapse of that term:

(Signed)

JOSE MANUEL PAREJA.

Inclosure 12 in No. 2.

Señor Covarrubias to Mr. Thomson.

(Translation.)

Sir,

Santiago, September 25, 1865.

I HAVE the honour to transmit to you herewith two copies of the official Gazette, which contains the declaration issued to-day by his Excellency the President of the Republic, accepting the war to which the Government of Spain provokes Chile by an unjust aggression.

You are well aware of the antecedents of this conflict, and of the loyal and repeated efforts which my Government has made to avoid it. In renouncing the beneficent peace which has been so many years enjoyed, the Republic cedes to a painful but inevitable duty, imposed upon its honour, rights and security.

I expect to comply in a short time with the instructions of the President of the Republic, by explaining to friendly nations the motives of this war and the justice with which Chile has entered into it.

In the meantime I beg you will have the goodness to transmit to your Government this communication, and to accept, &c.

(Signed)

ALVARO COVARRUBIAS.

Inclosure 13 in No. 2.

Mr. Thomson to Admiral Pareja.

Sir,

Santiago, September 27, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's communication of the 24th instant, informing me that in conformity with instructions of your Government diplomatic relations with Chile were broken off and its ports placed in a state of blockade.

In your Excellency's communication, as well as in the inclosure to it, being a copy

of the instructions issued by you to the commanders of the ships of Her Catholic Majesty with regard to the manner in which the blockade is to be carried out, I observe it is stated that the blockade extends to the whole coast of Chile. But as it is an established point in international law that a blockade to be binding must be effective, communicating to my Government a copy of your Excellency's communication and of its enclosure, I beg to inform you that I shall consider it my duty to inform them that in my opinion the force at your Excellency's disposal is insufficient to render the blockade of the whole coast effective.

I avail, &c.
(Signed) WM. TAYLOUR THOMSON.

No. 3.

Mr. Thomson to Earl Russell.—(Received November 16.)

My Lord,

Santiago, September 30, 1865.

IT is said here, but how far correctly I know not, that in Lima the anti-Spanish feeling has become so strong that there is reason to suppose it may be the cause of temporarily reconciling the Government and revolutionary parties. Before the blockade had been established, the "Esmeralda" and "Maipu," Chilean ships of war, left the port of Valparaiso during the night, without its being known on what service they had been sent. I learn from Talcahuano, that on the 21st instant they arrived at Coronel, where they took in coal, and proceeded south on the 22nd at full speed.

It is generally supposed that they were making for the Straits of Magellan, but it is also possible that they may have been sent to the Peruvian revolutionary party to endeavour to bring about a reconciliation with the Pezet Government, or at all events to induce them, as they are in possession of the greater part of the Peruvian ships of war, to make common cause against the Spaniards. If this were effected, the two Republics would have a naval force sufficient to force Admiral Pareja to raise the blockade; otherwise his vessels, separated at long distances, would be liable to capture by the united Republican squadron.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

No. 4.

Mr. Thomson to Earl Russell.—(Received November 16.)

My Lord,

Santiago, September 30, 1865.

I HAVE the honour to transmit to your Lordship a copy of another communication addressed by Admiral Pareja to the Diplomatic Body, and of the reply made to it. The Admiral, in rejecting the protest of the Diplomatic Body, advances several arguments to support the position that not he, but the Chilean Government, are responsible for any losses sustained by foreign commerce from the sudden resort to the measure of a blockade; and in the reply he is informed that as, in the opinion of the corps, the arguments employed by him did not weaken the opinion they had formerly expressed, they renewed the reservations in favour of their Governments contained in their two previous communications.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

Inclosure in No. 4.

Admiral Pareja to the Diplomatic Corps.

*On board the "Villa de Madrid," Harbour of Valparaiso,
September 26, 1865.*

(Translation.)

THE Undersigned, Commander-in-chief of Her Catholic Majesty's squadron in the Pacific, and her Minister Plenipotentiary, has had the honour to receive the collective note of the Diplomatic Body resident in Santiago, dated the 24th instant, which the Representative of the United States of America, the Doyen of the said body in the Republic of Chile, has been pleased to send to him through her Consul in Valparaiso.

The hostilities of Spain against Chile having commenced, the main object to which

the former note as well as the one to which he has the honour of replying were directed, has disappeared.

But besides a just motive of civility, the Undersigned is also induced to answer it for the purpose of rebutting some of the arguments in the said note, and of recording his opinion clearly and explicitly upon those arguments, which he does not hesitate to affirm is also the opinion of his Government.

It is said in the note "that the public Ministers signing the same do not consider themselves called upon to give an opinion upon the motives of Her Catholic Majesty for asking satisfaction of the Republic of Chile, and that their sole wish is to prevent a rupture if it be unnecessary;" and further on:—"They are not of opinion, like Señor Pareja, that there is no other arbitrament than that of peremptory demands, because the explanations given to Señor Tavira by the Minister for Foreign Affairs of Chile in his note of the 16th May last were satisfactory to Her Catholic Majesty's negotiator, and from that moment an arrangement was concluded between the two countries. The differences which for some time had cooled their relations had disappeared, and they had a right to believe that as Señor Tavira was acting as the Minister of Her Catholic Majesty, the arrangement accepted by him would be ratified by his Government."

Let the Undersigned be allowed to state to the public Ministers whom he is addressing, that in bringing to their notice in his former note the kind of offences offered by Chile to Spain, and in sending with them a copy of his memorandum to the Spanish American Republics, in which they were fully explained, he had no other object than that of demonstrating to them by every proof the reality and the serious nature of those offences, and consequently the absolute necessity, on the part of Her Catholic Majesty's Government, after the numerous notes which have passed between its Representative and the Minister of Chile, of having recourse to peremptory demands, which that Government had a full right to do, from the moment when that of Santiago refused to satisfy the honour of Spain, of which the Government of Madrid is the only judge.

If Señor Tavira was satisfied with the explanations of Señor Covarrubias, the Spanish Government was not in any way bound to ratify the assent of its Resident Minister, because in addition to the fact that the latter, as he expresses it in his note of the 20th May, only said that these explanations were, in his opinion, sufficient, there is also the powerful reason that it was precisely because he had not acted in accordance with the instructions which he had received from his Government that the latter disapproved of his conduct in the most solemn and explicit manner, going so far as to assure the Undersigned that the instructions given to him by Her Catholic Majesty's Government in regard to which he has acted, are precisely similar to those which Señor Tavira ought to have followed.

Thus, as the Government of Her Catholic Majesty, in disapproving the act of Señor Tavira, and in saying that it considered the state of things to be the same as it was when Señor Tavira addressed his note of the 13th May last to Señor Covarrubias, did so in complete conformity with diplomatic rules and with common law, and not in contradiction therewith, which, as the Undersigned has seen with regret, is the conclusion come to by the Diplomatic Body resident in Santiago, since, having given to Señor Tavira the instructions which were first prepared, it is clear that at that time it considered the explanations given by Señor Covarrubias to be insufficient; and in so considering them it is also evident that there was nothing left for it to do than what it has felt compelled to do in defence of its honour, and this, as has been said, is precisely what Señor Tavira prevented.

The Government of Spain had already had discussions enough with that of Chile, and more than enough, as shown by the explanations of the 19th May, fully to convince itself that it could not, by pacific measures, obtain such explanations as it had a right to obtain.

It only remains for the Undersigned to declare that his Government, not having been able to adopt any other course when once the Government of Chile had refused to satisfy it in the way it was bound to do, cannot admit the protest of the Diplomatic Body resident in Santiago, because the responsibility for the losses caused by the hostilities will be exclusively due to the obstinacy of the Chilean Government in refusing to Spain a satisfaction adequate to the offences which it has offered to her. In all cases the laws of war invest belligerents with the right of causing the greatest damage possible to the enemy; but that one of the two parties which has the right on its side, as Spain now has, can never admit responsibility for the losses which such damage may cause to the foreigners established in the adversary's territory.

The Undersigned, &c.

(Signed)

JOSE MANUEL PAREJA.

Inclosure 2 in No. 4.

The Diplomatic Corps to Admiral Pareja.

Septembre 1865.

LES Soussignés, membres du Corps Diplomatique résidant à Santiago, ont eu l'honneur de recevoir la note du 26 de ce mois que son Excellence M. de Pareja, Commandant Général de l'escadre de Sa Majesté Catholique dans le Pacifique, et son Ministre Plénipotentiaire, leur a adressée.

Les Soussignés, considérant que la note susdite ne détruit pas les observations et objections qu'ils s'étaient permis de faire à son Excellence à l'égard des procédés qu'elle a adopté pour régler le différend existant entre les Gouvernements de Sa Majesté Catholique et la République du Chili, se trouvent à leur regret dans l'obligation de réitérer et maintenir les réserves et protestations contenues dans leurs communications des 22 et 24 de ce mois.

Les Soussignés, &c.

(Signé)

THOMAS H. NELSON.
ANTONIO FERRO.
HERMOGENES DE IRIZARRI.
WM. TAYLOUR THOMSON.
LEVENHAGEN.
FLORY.

(Translation.)

September 1865.

THE Undersigned, Members of the Diplomatic Body, residing at Santiago, have had the honour to receive the note under date of the 26th of this month addressed to them by his Excellency Admiral Pareja, Commander-in-chief of Her Catholic Majesty's squadron in the Pacific, and Minister Plenipotentiary.

The Undersigned being of opinion that the aforesaid note does not do away with the observations and objections which they took the liberty of making to his Excellency with regard to the proceedings adopted by him to settle the differences existing between the Government of Her Catholic Majesty and that of the Republic of Chile, regret to find themselves under the necessity of reiterating and adhering to the reservations and protests maintained by them in their communications of the 22nd and 24th of this month.

The Undersigned, &c.

(Signed)

THOMAS H. NELSON.
ANTONIO FERRO.
HERMOGENES DE IRIZARRI.
WM. TAYLOUR THOMSON.
LEVENHAGEN.
FLORY.

No. 5.

Mr. Thomson to Earl Russell.—(Received November 16.)

My Lord,

Santiago, September 30, 1865.

I HAVE the honour to inclose, for your Lordship's information, a copy of a letter addressed by the Foreign Commercial Body at Valparaiso to the Diplomatic Corps here, through their doyen, the United States' Envoy Extraordinary and Minister Plenipotentiary, together with a copy of the reply sent to that communication. Your Lordship will observe in the latter inclosure, the reason of my not having been present at the meeting when the reply to be given by the Corps was arranged. Inclosure No 3 is a copy of a letter which in consequence of my absence I have given separately to the Foreign Commercial Body.

I have, &c.

(Signed)

WM. TAYLOUR THOMSON.

Inclosure 1 in No. 5.

The Foreign Commercial Body at Valparaiso to the Diplomatic Corps.

Gentlemen,

Valparaiso, September 26, 1865.

WE, the undersigned Members of the Foreign Commercial Body of Valparaiso, take the liberty of addressing you collectively regarding the serious position in which we

have been placed through the proceedings of Admiral Pareja, commanding the Spanish squadron on this coast.

We need not occupy your attention with a recital of the serious losses we have already incurred from those proceedings. We would simply say that the consequences of Admiral Pareja's measures, if persisted in, will bring utter ruin upon many of our number, and those whom we represent.

We beg in the strongest manner to express our conviction that measures of so high-handed injustice undertaken without adequate warning, are contrary to the rights and duties of the Representatives of civilized nations; a conviction which we understand is shared in by yourselves, and one which we trust will be made the effectual ground for the exaction of substantial reparation.

We are not aware what Admiral Pareja's intentions are with respect to foreign property in this port, or afloat in this bay, after the expiry of his ten days' notice; but we entertain serious fears, that under the plea of inflicting injury on Chile, our interests are those which are to be sacrificed.

Impressed by these and other considerations, the Foreign Commercial Body at a meeting held this day, unanimously resolved to address your Honourable Body collectively, in order to suggest that all the foreign force under your influence or command in these seas be brought to this port without delay for the protection of our interests.

They, moreover, resolved to be at the cost of placing one of the steamers of the English line at your disposal, should it be deemed necessary by you for the more speedy and effectual carrying out of your views for our protection, whatever these may be.

We have, &c.
(Signed) WM. GIBBS AND CO.
(And 55 other firms.)

Inclosure 2 in No. 5.

Mr. Nelson to the Foreign Commercial Body at Valparaiso.

*Legation of the United States, Santiago de Chile,
September 29, 1865.*

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, in the name of the Diplomatic Corps resident in Santiago, has the honour to acknowledge the receipt of your note of the 26th instant.

The Diplomatic Corps has made every possible effort to avert the calamity of war, but without success. It has also taken and will continue to take such action as lies in its power, for the protection of the persons and property of foreign residents in Chile.

Grateful for your offer to place at its disposal one of the steamers of the English line, the Diplomatic Corps at the same time does not perceive the necessity of dispatching one, having, for the present, ample means of communication.

I have, &c.
(Signed) T. H. NELSON.

P.S.—By mistake Her Britannic Majesty's Chargé d'Affaires not having received notice of the hour of the meeting was not present, and will therefore address a separate letter to the Commercial Body of Valparaiso.

T. H. N.

Inclosure 3 in No. 5.

Mr. Thomson to the Foreign Commercial Body of Valparaiso.

Gentlemen,

Santiago, September 30, 1865.

FROM an inadvertence the hour fixed for the meeting of the members of the Diplomatic Body residing in Santiago to take into consideration the reply to be made to the letter which you addressed to them collectively through their doyen, the Envoy Extraordinary and Minister Plenipotentiary of the United States of America, not having been communicated to me, I regret that I had not had an opportunity of offering my opinion in that meeting as to the terms of the reply to be given. I am therefore under the necessity of explaining to you how my signature was not attached to the letter of my

colleagues, and at the same time beg to state to the members of the Foreign Commercial Body of Valparaiso that, fully conscious how severely in all occasions of war and of the establishment of a blockade commercial interests suffer, no one more than myself would more sincerely desire to see a termination put, at the earliest possible moment, to the present acts of hostilities, or would more willingly contribute his exertions to obtain so desirable a result by any means within the limits of his official attributes, and having in view the friendly relations which exist between Her Britannic Majesty's Government and those of Her Catholic Majesty and the Republic of Chile.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

No. 6.

Mr. Thomson to Earl Russell.—(Received November 16.)

My Lord,

Santiago, September 30, 1865.

WHEN I received the copy of orders issued by the Chilean Government to its privateers, of which I have the honour to inclose a copy, I called upon the Minister for Foreign Affairs to ask an explanation of the issue of letters of marque by his Government, as I was aware that Chile was an acceding party to the Declaration of Paris in 1856. The Minister said that although the terms in which the adhesion of Chile to the Declaration was given admitted of its being said that it had not been declared by a formal act, still they considered themselves bound by the Articles of the Declaration with regard to the acceding Powers, but with regard to the other and non-acceding Powers they would have considered themselves free, when at war with them, to have recourse to privateering, however formal the act of their adhesion had been.

As this is the only means by which the Chileans can act offensively against Spain, I did not carry the discussion further, and merely informed him that I should report to your Lordship what he had stated.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure in No. 6.

Instructions by which, in accordance with the Laws of the Republic, the Privateers of Chile are to be guided in the War against Spain.

1. SPAIN being now in a state of war with the Republic of Chile, and Chile having been provoked by Spain into a war which that Power began, the privateers of the Republic are to pursue and capture every Spanish vessel, whether man-of-war, privateer, or merchantman, whether it be found at sea or in the waters or ports of the Republic, or in the waters or ports of the dominions of Spain.

2. The privateers of the Republic are forbidden to attack or to do any act of hostility in the ports or territorial waters of neutral nations; territorial waters being understood to include those between the range of cannon-shot and the lowest tide.

3. The privateers of the Republic may take possession of the cargoes of Spanish merchant-vessels, provided that these cargoes do not belong to a neutral. But the privateer may capture those cargoes, even if they are neutral property, should they consist of goods contraband of war intended for the enemy.

In case that the cargo of neutral property found in the Spanish vessel consist of goods contraband of war and others which are not so, the privateer can only seize the illicit part of the cargo, and must leave the other.

4. The privateer is also authorized to detain and seize any neutral vessel which carries official despatches intended for the enemy, or from the enemy, or military or naval troops, or seamen for the vessels of the said enemy.

5. The privateers of the Republic may seize any cargo found in a neutral vessel if it be contraband of war and Spanish property; but if part of that cargo be of lawful commerce that part cannot be seized, although it belong to a Spanish subject.

6. Contraband of war consists of the following objects intended for the enemy:—cannons, mortars, guns, and all kinds of arms, as well as every sort of projectiles, gun-carriages, percussion-caps, fibrous fuzes, capsules, matches, gunpowder, saltpetre, sulphur, military uniforms, harness, saddles, and bridles for horses, field-tents, coals intended for

the enemy's men of war or privateers ; and, in general, all kinds of instruments and objects manufactured for the purposes of war.

7. Every vessel whose neutrality cannot be proved may also be seized.

Likewise those which are without their principal papers, such as the ship's patent, the bills of lading of the cargo, and others which show the neutral property of that and of the vessel ; and it shall be declared lawful prize, unless it be proved that the papers were lost by unavoidable accident. All the papers produced must be properly signed to entitle them to admission.

Likewise every vessel which shall hoist any other flag than that of its real nationality.

Likewise every vessel from which papers are thrown overboard into the sea.

Also every vessel which offers resistance to or endeavours to escape from the privateer.

8. The privateers of the Republic are to understand that in order to be valid and legitimate, all their captures must be declared so by competent authority, and if there should be any extraordinary circumstance which prevents the sending of the captured ship to be adjudged, the commander of the privateer will exercise all authority for its security, and reserve the documents in proof, which he will submit in due time to the competent authority.

9. The privateers of the Republic, as such, have the right of visitation which belongs to all belligerents, and in exercising it they are to bear in mind the following directions :—

(1.) In preparing to examine and visit a merchant-vessel, the privateer shall display the national flag and fire a cannon without shot, at which notice the merchantman ought to stop to await the examination and display its flag ; if it does not the privateer will proceed as he thinks fit to oblige it to do so.

(2.) If the merchantman stops at once and displays its flag, the privateer will proceed to send off the visiting party for the examination, remaining himself at such a distance as he may think fitting. In order to avoid every kind of disorder at the visitation and examination of vessels and cargoes, and considering the degree of suspicion in which the ship about to be visited stands affected, the privateer shall send his boat in charge of an officer who shall board the detained vessel without causing the least disturbance, violence, or ill-treatment, and examine the papers relating to the vessel, and search the vessel itself in case of necessity.

(3.) If it result from the aforesaid examination that the detained vessel is neutral, and that the cargo, although belonging to the enemy, is not contraband of war, it shall be left at liberty. But if the vessel be bound to a hostile port, the search shall be scrupulously made as to the nature of the cargo, detaining that which is contraband of war, and belonging to Spaniards or intended for them.

10. As soon as the privateer takes any vessel the visiting officer shall take possession of all the papers of whatever kind they be, making a careful inventory of them, giving a receipt to the captain or master of the detained vessel for all the important ones, and warning him not to conceal any that he has, seeing that only those then produced will be admitted at the trial of the capture ; this being done the captain of the privateer shall shut up and keep the papers in a bag or parcel sealed, which he is to deliver to the commander of the prize, in order that he may deliver it to the proper authority at the port to which he is going. If the captain of the privateer, or any one of the crew, for any purpose whatever, conceal, tear, or make away with any of the said papers, he shall suffer corporal punishment according to the case, the former being obliged to make good the damages, and the latter subject to ten years' imprisonment.

11. At the same time the captain of the privateer shall take care to nail up the hatches of the detained vessels, and to seal them so that they cannot be opened without breaking the seal ; he shall collect the keys of the cabin and other places, having the goods found kept under cover, and if there is time he shall take an account of all that may easily be lost, in order to give it in charge to him who is intended to command the prize.

12. The privateer shall take care to get a sworn deposition from the mate and crew of the detained vessel, as to whence it came, its nationality, navigation, whither it is bound, and the other circumstances of its voyage, which deposition put down in writing and added to the act, and the report of the proceedings at the capture, shall serve at the trial of the prizes, and as a protection for the rights of all.

13. Particular information of what appears from these depositions shall be given to the officer intended to command the prize, who is to be made responsible for anything that may be wanting through his fault or negligence ; and it shall be declared that any one who opens the closed and sealed hatches, chests, bales, casks, bags, lockers in which there are merchandize and goods, shall not only lose the share that would come to him if the

vessel were declared lawful prize, but he shall be proceeded against and punished according to the result.

14. To determine the legality of the prizes no other papers are to be admitted than those found and shown on board of them. Nevertheless, if the necessary documents for the trial be wanting, and the captain offers to prove that he lost them by unavoidable accident, the tribunal shall appoint a time sufficient for the purpose, in accordance with the speediness with which these cases are to be determined.

15. When the captains of neutral vessels declare in good faith that they are carrying goods contraband of war, the transshipment thereof shall be effected without interrupting their voyage, or detaining them longer than is necessary; a receipt to be given to the said captains for all the goods that are transhipped, with all the circumstances explained therein.

16. Every privateer who retakes any national vessel within the period of twenty-four hours from its capture shall be rewarded with half the value of the prize, the other half remaining to the original owner of the vessel retaken, and this division being speedily and summarily made in order to limit the expenses as much as may be. But if the re-capture take place after twenty-four hours from the capture have gone by, the whole value of the vessel will be for the privateer who takes it.

17. The privateers who take important communications, or officers of rank from the enemy, or who do the enemy any considerable injury, shall be suitably recompensed by the Government, and in proportion to the service which they have rendered.

18. The Government promises a reward to every privateer who takes an enemy's transport with troops, munitions, or articles of war, which reward shall be regulated according to the case and the circumstances, and according to the contents of the prize.

19. The commanders of the privateers, acting in accordance with the main object, of damaging and destroying Spanish commerce without committing any cruelty in the treatment of the prisoners, shall burn and destroy every vessel of the enemy's which, from its condition or its little value, cannot be sent, or is not worth sending, to the port of trial, the privateer furnishing himself with documents so that he can prove the fact, and answer for the consequences in case the capture be declared unlawful.

20. Any privateer may sell his prizes in the ports of a friendly nation consenting thereto, if he be authorized to do so by any Diplomatic Agent of the Republic, who must for this purpose examine all the papers of the captured ship, take the depositions of the people belonging to it, and to the privateering vessel, and make the other investigations required to prove the legality of the capture. When this legality has been sufficiently established, the Chilean Diplomatic Agent shall put his seals on the bag which contains the papers of the captured ship, return this bag to the captain of the privateer, give him a certificate of the proceedings at the Legation, and grant him, in writing, authority to sell the prize.

21. Every privateer is forbidden to ransom his prizes, and it is only in the case of well-proved necessity for relieving himself of prisoners that he can adopt this course.

22. The captured vessels, and the whole of their cargo, are free from all dues and fiscal contributions.

23. The commander, officers, marines, and companies of the privateers are under the protection of the Government and the laws of Chile, and they will enjoy, although they may be foreigners, all the rights attached to Chilean citizenship, while they remain in the service of the State.

Given at Santiago, in Chile, 26th September, 1865.

(Signed)

JOSE MANUEL PINTO,

Minister of Marine.

No. 7.

Mr. Thomson to Earl Russell.—(Received November 16.)

My Lord,

Santiago, September 30, 1865.

I HAVE the honour to transmit to your Lordship a copy of a letter which I have addressed to Her Majesty's Consul at Valparaiso, instructing him to endeavour to calm the excitement of the British merchants, and to induce them to abstain, in their own interest, from employing the strong and even menacing language with reference to the Spanish Admiral which has been prominently used by them, as above referred to.

I have, &c.

(Signed)

WM. TAYLOUR THOMSON.

Inclosure in No. 7.

Mr. Thomson to Consul Rouse.

Sir,

Santiago, September 30, 1865.

YOU will have seen in the public journals a copy of a letter addressed by the Foreign Commercial Body of Valparaiso to the Corps Diplomatique, through their doyen, as well as a statement of what passed at a meeting held subsequently by the same body. My object in calling your attention to this letter and statement, is to request you to lose no opportunity of pointing out to the principal British merchants how inexpedient and how detrimental for their own interests is the employment of the strong language, I may say the menaces, they have employed with regard to the Spanish Admiral.

They may rest assured that another and milder tone is more likely to be attended with profit to their commercial interests. You will endeavour, therefore, in your communications with them to soften the excitement which the losses they are experiencing from the established blockade have naturally given rise to. These are losses to which foreign merchants are in all times and in all countries occasionally liable.

I am, &c.

(Signed) WM. TAYLOUR THOMSON.

No. 8.

Mr. Thomson to Earl Russell.—(Received November 16.)

My Lord,

Santiago, September 30, 1865.

I HAVE the honour to transmit to your Lordship a copy of a letter which I have received from the British firm, Myers, Bland and Co., of Valparaiso, relative to their intention to place a British vessel which entered the port of Valparaiso previous to the declaration of blockade as a store-ship during the continuance of the war for the goods belonging to the firm at present deposited in the Chilean Custom-house, and a copy of my reply thereto.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure 1 in No. 8.

Messrs. Myers, Bland, and Co., to Mr. Thomson.

Sir,

Valparaiso, September 27, 1865.

WE take the liberty of addressing ourselves to you as Her Majesty's Representative in this country to request your opinion on the following point:—

In the present unsettled state of this port, owing to the differences between the Chilean and Spanish Governments, we have deemed it our duty, for the better protection of such interests committed to our charge, to charter a British vessel in the bay for the purpose of removing on board all the goods we have in the Custom-house; in fact, making a floating store-ship of her. It has, however, been suggested to us that the Spanish Admiral may interpret the term of ten days that he has given neutral vessels to leave the port as obligatory on them; and that if the said British vessel remain in the bay, as was our intention, the Spanish Admiral may look on her and any other vessel as enemy's property.

We shall be much obliged to you, therefore, if you will advise us at your earliest convenience if you are of opinion that the Spanish Admiral has any right to order a British vessel out of the bay, said vessel having entered the harbour several days previous to the declaration of the blockade, and whose owners desire that she should remain quietly in port until hostilities have ceased, and also favour us with your advice as to the legal and correct course that, in protection of British interests, we should pursue.

We have, &c.

(Signed) MYERS, BLAND, AND CO.

Inclosure 2 in No. 8.

Mr. Thomson to Messrs. Myers, Bland, and Co.

Gentlemen,

Santiago, September 29, 1865.

I HAVE received your letter of the 27th instant, and in reply I have to state to you that it is entirely out of my province to express an opinion as to the justice or injustice of the blockade established by the Spanish Admiral. The only question is this: Is the blockade established an effective one or not in so far as regards Valparaiso? I consider it is, and therefore should be respected by neutrals. With regard to the store-ship which you state it is your intention to maintain in Valparaiso for the better security of the property of your firm, the question of its better security afloat or on shore it is for you to determine. In the event of active hostilities, either in the bay or from shore, a vessel would be exposed to the shots of both the contending parties. With regard to the suggestion that has been offered to you "that the Spanish Admiral may interpret the term of ten days that he has given neutral vessels to leave the port as obligatory on them," I can find no indication of this in any of the communications made to me by the Spanish Admiral, or in his instructions issued by him to his officers under which the blockade is guided. The period of ten days granted by the Admiral for ships to load and leave the port is a privilege or concession granted to neutrals; if, therefore, the period of ten days having elapsed, the store-ship you propose establishing should attempt to leave the port, it would be liable to capture.

No other remark occurs to me to make, except that in the case of the Spanish ships of war being required to direct their fire in any particular direction, such vessels as might from their position be in the line of their operations would be required to remove to any other point indicated to them.

I am, &c.

(Signed) WM. TAYLOUR THOMSON.

No. 9.

Mr. Thomson to Earl Russell.—(Received November 16.)

My Lord,

Santiago, September 30, 1865.

I HAVE the honour to inclose for your Lordship's information a copy of a correspondence which I have had with Commander Blake, of Her Majesty's ship "Mutine," regarding some British merchant-vessels which had entered the port of Valparaiso without, as asserted by the one party, having been notified of the existence of a blockade previous to anchoring, and the other asserting that due notification had been given. Your Lordship will observe that in Inclosure No. 4 Commander Blake asks if he is to use force if, in the cases alluded to, the Spanish naval authorities attempt to seize or capture any of those vessels, and that in Inclosure No. 5 I have informed him he is not to do so.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure 1 in No. 9.

Commander Blake to Mr. Thomson.

Sir,

"Mutine," Valparaiso, September 23, 1865.

I HAVE the honour to acknowledge the receipt of your letter of the 23rd instant, in consequence of an announcement in the public journals of the departure of Her Majesty's ships "Columbine" and "Mutine," and wish to inform you of the contrary; the report probably arising from the circumstance of the "Columbine" having gone out a short distance under steam to exercise her guns at a target.

2. Her Majesty's ship under my command being almost ready, her departure will depend upon the consideration of the necessity for more than one English vessel of war to be present during this critical state of affairs, which may lead to grave results, and has already the appearance of affecting materially the British interests.

3. I wish to inform you of my having been communicated with, in my position of Senior Naval Officer in Valparaiso, by the Spanish Admiral, and had notified to me in the manner general to all, his intention to blockade the ports of Chile.

4. The blockade of this port commenced yesterday morning, and is being exercised actively; several vessels have already been stopped entering and warned off.

5. An English merchant-vessel, the "Adam Sedgwick," anchored this afternoon without, according to the statement of the master, having been previously notified of the blockade, though done afterwards and told to go; her consignees, therefore, have requested protection. Several other English vessels have entered; it is not yet known whether they claim the same.

I have, &c.
(Signed) W. H. BLAKE.

Inclosure 2 in No. 9.

Commander Blake to Mr. Thomson.

Sir, "Mutine," Valparaiso, September 26, 1865.

SINCE writing to you yesterday, a letter signed by the principal merchants at Valparaiso was received, requesting me to remain here for protection. The existing state of hostilities between this country and Spain will, I think, justify me in acceding to their request, and I have the honour to inform you of the same.

In consequence of the applications from the captains and consignees of the several English vessels that entered yesterday for my protection, alleging as a reason that their vessels had dropped anchor in the port before a boat from the blockading ship had been alongside to notify the blockade, I proceeded in Her Majesty's ship "Columbine" this morning to where the Spanish flag-ship is laying, and in communicating personally with the Admiral upon the subject, submitted for his consideration whether vessels entering under such circumstances would not be allowed to claim the same privileges as other vessels already inside, and discharging their cargo.

The Admiral refused to allow such a claim, upon the ground that he had dominion of the port, and has, therefore, decided that these vessels, after having completed the repairs necessary to carry them on to the first neutral port, shall take their departure without landing their cargo, in reference to which decision I have entered a verbal protest pending your advice and instructions upon same.

I have, &c.
(Signed) W. H. BLAKE.

Inclosure 3 in No. 9.

Mr. Thomson to Commander Blake.

Sir, Santiago, September 27, 1865.

I HAVE the honour to acknowledge the receipt of your letters of the 25th and 26th instant. With regard to the last paragraph of the latter, if I understand aright, it would appear that the Spanish Admiral's interference with the British merchant-vessels which have arrived since the blockade has been established is of a double nature: one having reference to an alleged violation of the blockade, the other to his right to order any vessel to leave the port on receiving from him an order to that effect.

If it be clearly established that a British vessel coming from abroad and not from any of the Chilean ports, where it may be presumed that intelligence of the establishment of a blockade had become known, and without having been ordered by a gun fired from one of the blockading ships to lay to, or notified of the fact of the ports being blockaded, has passed into the port and anchored, I am of opinion such vessels are not liable to be sent again to sea by the blockaders, or to the penalties of a violation of blockade, and if obliged to do so, it should be under a protest of the captain as regards the ship, and of the consignee as regards the merchandize. The other pretension, if I have understood it aright, also appears to me to be unfounded.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

Inclosure 4 in No. 9.

Commander Blake to Mr. Thomson.

Sir,

"Mutine," Valparaiso, September 28, 1865.

I HAVE the honour to acknowledge the receipt of your letter of yesterday, and have transmitted to the Consul a copy of the paragraph bearing upon the case of those vessels that anchored in this port, on the occasion referred to in my last, for the general information and guidance of those concerned.

2. But as I am not perfectly clear with regard to your interpretation of the circumstances under which those vessels entered, I will lay them before you afresh, in order to receive further advice upon a very important point.

3. On the 25th instant, the day following that of the declaration of the blockade by the Spanish Admiral, blowing fresh from the southward, an unusual number of vessels made their appearance, there being only one man-of-war to notify the blockade. The "Resolucion" while pursuing some in a direction which might take her considerably out of a position necessary to prevent vessels entering, and therefore maintain an effective blockade, missed others which were steering in for the port, who being, as all state, in total ignorance of what was taking place, or of the meaning of a blank gun or two, consequently held their course and came to an anchor.

4. After each vessel had so anchored, a boat from the Spanish ship "Resolucion" went alongside, and the officer informed them for the first time that the port was blockaded, notified the same in the articles, and told them they must go out again; these orders were not considered obligatory, and an appeal was made to me.

In my interview with the Admiral upon the subject, I claimed for these particular vessels the same privilege granted to those in port when the blockade was declared, upon the ground that they also were in the port before receiving similar notice, and could not be considered as having violated the blockade. The substance of his reply was, that he would allow these vessels to remain and make good any repairs necessary, and must then proceed to sea, and would not allow them to discharge their cargoes here. In the meantime all, with few exceptions, have gone into the inner anchorage for the purpose of discharging their cargo, and some are doing so.

6. I am, therefore, anxious to know, as soon as possible, if, in the event of the Spanish authorities afloat attempting to seize or capture any of these vessels, you think I should be right in using force to prevent such an attempt, upon the ground that it was an illegal act on their part. In the meantime they remain unmolested

I have, &c.

(Signed) W. H. BLAKE.

Inclosure 5 in No. 9.

Mr. Thomson to Commander Blake.

Sir,

Santiago, September 29, 1865.

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date, and in reply, have to state to you that the circumstances which have led to the establishment of this blockade in no manner concern neutrals. Spain has a right, considering herself aggrieved, to establish a blockade, and the question with which neutrals have to do is, has the blockade been established in such a manner as to render it effective and binding on neutrals? In so far as Valparaiso is concerned, I consider it is effective, even although some vessels may have anchored in the bay without having previously had a notification entered on their articles of the existence of a blockade. You, as a naval officer, are no doubt aware how far by naval usage the display by a ship of war of her flag, and the firing of a gun to a merchant-ship within the line which mark the waters of a country, would be considered sufficiently binding on the merchant-ship to await the visit from the ship of war.

It appears to me, therefore, with reference to my previous letter to you, that in regard to the vessels alluded to in your letter of yesterday, it is simply a question whether they had been notified or not—one party alleging that notification was given, the other denying it; I am therefore of opinion, that the master of the vessel and the consignees should procure such testimony as will prove non-notification, and protest formally against the act of the Admiral if their vessels be seized or captured; but by no means do I consider this a case for your using force, if the case you have supposed were really to occur.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

No. 10.

Mr. Thomson to Earl Russell.—(Received November 16.)

My Lord,

Santiago, October 2, 1865.

I HAVE the honour to transmit, for your Lordship's information, a copy of a correspondence which I have had with Mr. Sim, agent at Valparaiso for the Pacific Steam Navigation Company and Admiral Pareja, relative to the mail contract steamers being allowed during the continuance of the blockade to enter the blockaded ports. I had hoped to have been enabled at this date to inform your Lordship what arrangement, if any, has been concluded. but Mr. Sim's reply has not yet reached me.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure 1 in No. 10.

Mr. Thomson to Admiral Pareja.

Sir,

Santiago, September 26, 1865.

NO intimation having appeared of your Excellency's intentions with regard to the entrance into blockaded ports of Chile of British steamers charged with the transport of Her Majesty's mails, I take the liberty of inviting your attention to this matter of such vital interest to all neutral residents in this Republic, and more particularly to British subjects. The evils which any impediment to the full exchange of the correspondence of neutral mercantile houses with Europe would give rise to are so obvious that it is unnecessary for me to do more than allude to them; and the assurances given by your Excellency of its being your intention to make the measures of coercion towards Chile as light for neutrals as possible, give me ground to confide that your Excellency will issue the necessary instructions that the British mail steamers under contract to Her Majesty's Government will be allowed, during the time of the continuance of the blockade, to deliver to and receive from Her Majesty's Consuls at the ports contracted for, the mails with which they are charged.

Allow me to add, that such a measure on the part of your Excellency would be received by all the members of the Diplomatic Body resident in Chile with no less satisfaction than by myself.

I avail, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure 2 in No. 10.

*Mr. Sim to Mr. Thomson.**Pacific Steam Navigation Company, Valparaiso,
September 26, 1865.*

Sir,

AS Agent of the Pacific Steam Navigation at this port, I take the liberty of addressing you in reference to some points connected with the itineraries of the Company's steamers, in so far as they may be affected by the present unfortunate state of affairs between Chile and Spain.

Yesterday I had an interview with Admiral Pareja's second in command, who informed me that the steamer "Bogotá," which was appointed to leave for the North on the 27th instant, would be allowed to depart and touch at neutral ports, but, would not be permitted to enter any port of Chile; and that the mail packet, due here on the 29th instant, would in like manner be allowed to take her departure for neutral ports, but could not call at any port in Chile.

I have, therefore, to solicit your valuable advice on the following points, viz.:—

As I am under the impression that a blockade to be binding must be effective, I beg to inquire if the commanders of the steamers leaving Valparaiso should be instructed to call at all the Chile ports ordinarily touched at according to their itineraries, and in the event of being warned off any of these ports by a blockading vessel, to obey the order and then proceed to the next one, and so on in succession; but in the event of not being warned off either one or all of them, then to enter as usual; or if they should be instructed to proceed direct to a neutral port.

By the postal contract between Her Majesty's Government, and the Pacific Steam Navigation Company, the itinerary approved by the Admiralty has to be punctually complied with, under penalty for each and every port at which the mail packet may fail to call. I should therefore wish to know if the indorsement on the steamers' papers by the blockading officer of this port, prohibiting them from touching at any port of Chile, be sufficient to free the Company from the payment of the stipulated penalty for not calling at such ports, or if, as before inquired, the mail steamers are bound to go to each port contained in their itinerary, and, unless warned off, enter the same.

As the steamer "Bogotá" is announced to leave for the North on Friday the 29th instant, an answer at your earliest convenience will be appreciated.

I have, &c.
(Signed) DAVID SIM.

Inclosure 3 in No. 10.

Mr. Thomson to Mr. Sim.

Sir,

Santiago, September 27, 1865.

IN reply to your letter of yesterday's date, I have to inform you that previous to the receipt of that letter I had already addressed the Spanish Admiral on the subject of the mail packets under contract to Her Majesty's Government, and that as yet Admiral Pareja's reply has not reached me.

With regard to the mail steamers, it appears to me that you would do well to seek an immediate interview with Admiral Pareja, and lay before him in writing a statement of the liabilities of your Company to Her Majesty's Government in the event of the mail packets failing to call at each of the ports contracted for, with the view of obtaining from his Excellency an authority for those mail packets, as mail packets only, to enter and leave the ports of Valparaiso, Coquimbo, and Caldera, where I have reason to believe the effective blockade has been established. The other vessels of your Company can be viewed only as merchant vessels. With regard to your inquiry as to the sufficiency of an endorsement on the steamers' papers by the blockading officer off the port of Valparaiso prohibiting your mail steamers from touching at the ports contracted for, to free your Company from the payment of the stipulated penalty for not calling, that is a question which the Admiralty must decide. In the event, however, of the mail steamers being absolutely prohibited to touch at the ports in question, it would be well that the prohibition be noticed on the steamers' papers.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

Inclosure 4 in No. 10.

Mr. Thomson to Mr. Sim.

Sir,

Santiago, September 28, 1865.

NOT having received by this day's post a reply from Admiral Pareja to my communication to him regarding the mail contract steamers, and it having been announced by you that the "Bogotá" will leave to-morrow for the North, I have to state to you, with reference to the fourth paragraph of your letter of the 26th, that vessels proceeding with previous knowledge of the existence of a blockade to a blockaded port are liable to the penalties of a violation of the blockade.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

Inclosure 5 in No. 10.

Mr. Thomson to Mr. Sim.

Sir,

Santiago, September 30, 1865.

REFERRING to my letter to you of the 27th instant, having been informed by Admiral Pareja that he was well disposed to permit, under certain guarantees, the contract mail steamers to receive and deliver neutral correspondence during the blockade, on your

presenting a solicitation to that effect, I trust that you will, by this time, have concluded an arrangement, and have to request that you inform me of the terms of the arrangement.

It is reported here that the "Chile" will leave on the 4th instead of the 2nd of next month as usual, and I beg to be informed to-morrow, by telegram, if this is the case or not.

I am, &c.

(Signed) WM. TAYLOUR THOMSON.

No. 11.

Mr. Thomson to Earl Russell.—(Received November 16.)

My Lord,

Santiago, October 4, 1865.

I TAKE advantage of the departure of the "Santiago" (a new vessel belonging to the Pacific Steam Navigation Company, which arrived at Valparaiso a few days ago) for Callao direct, to transmit to your Lordship, and with reference to my despatch of the 2nd instant, a copy of a letter which I have received from the Agent of that Company, together with a copy of my reply.

For some days past great fear was entertained at Valparaiso, and this fear was also participated by the President of the Republic, as he informed me a few days ago, when I met him taking an evening walk in the Alameda, that a bombardment of some portion of the town and railway station of Valparaiso would be resorted to when the ten days granted to neutrals had expired. The Chilean Government has, however, acted very prudently in withdrawing the guns from the fort which commands the harbour, as well as the military stores from the arsenal, so as to leave no pretext for such a measure. This morning a telegram announces that during the night the Chilean Government had sunk their store-ship as well as a small war steamer, which would have been very useful to the Spanish Admiral as an increase to the blockading force. I also learnt to-day, but through a private letter, that ten additional days had been granted to neutral vessels to discharge their cargoes and leave in ballast, the first term of ten days having expired this morning at six o'clock.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure 1 in No. 11.

Mr. Sim to Mr. Thomson.

*Pacific Steam Navigation Company, Valparaiso,
October 1, 1865.*

Sir,

I HAVE had the honour of receiving your valued communications, dated respectively the 27th, 28th, and 30th ultimo, the contents of which have had my best attention.

I have now to inform you, that as yet no arrangement whatever has been come to regarding the transmission of correspondence by the Company's contract packets during the existence of the blockade; but I am in communication with the Spanish Admiral, through Captain Blake, R.N., on the subject, and will advise you opportunely on the result.

As stated in my telegram of this morning, the sailing of the "Chile" has been postponed till the 3rd instant, at 5 o'clock P.M., and I may now mention that the "Santiago" will leave for Callao direct on the following morning, at 5 o'clock precisely.

As you are no doubt aware, the term of ten days granted by Admiral Pareja to neutral vessels to leave Chilean ports, will expire on the 4th instant. The Company's steamer "Valparaiso" is at present in this bay, and it seems to me that it would be for the interests of commerce in general, and of the English residents in particular, that she should remain there, in case of her services being required on any emergency. The safety of the vessel must, however, be secured, and this object would no doubt be attained were an officer and a few men from one of Her Majesty's ships of war put on board, and the white ensign and pendant flown. I may be permitted to mention, perhaps, that this is the course adopted towards the Company's steamer by Commodore Harvey during the present troubles in Peru.

On behalf of this Company, therefore, and in the interest of the English community

in Valparaiso, I beg to solicit that you will be pleased to request the senior naval officer here to put on board the "Valparaiso" an officer, and, if necessary, a small detachment of men, in order that the vessel may be under the protection of the flag.

I have, &c.
(Signed) DAVID SIM.

Inclosure 2 in No. 11.

Mr. Thomson to Mr. Sim.

Sir,

Santiago, October 3, 1865.

I HAVE received your letter of the 1st instant, and beg to state to you in reply, that I consider inexpedient the adoption of your suggestion and request, that "an officer and, if necessary, a small detachment of men" be placed on board the "Valparaiso," in order that she might be under the protection of the flag of Her Majesty's ships of war.

I have also to observe, the practice you state is followed by Commodore Harvey during the present troubles in Peru is not applicable to this case.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

No. 12.

The Secretary to the Admiralty to Mr. Hammond.—(Received November 16.)

Sir,

Admiralty, November 16, 1865.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Clarendon, a copy of a letter from Commodore Harvey, dated October 9, with its inclosures in original, relating to the blockade of the coast of Chile by a Spanish naval force.

My Lords request the papers sent in original may be returned as soon as convenient.

I am, &c.
(Signed) W. G. ROMAINE.

Inclosure 1 in No. 12.

Commodore Harvey to the Secretary to the Admiralty.

(Extract.) *"Leander," at Callao, October 9, 1865.*

I HAVE the honour to report, for the information of my Lords Commissioners of the Admiralty, that on the 6th instant the Pacific Steam Navigation Company's steam-ship "San Carlos" arrived direct from Valparaiso, bringing the news of war having been declared between Chile and Spain. Copies of all communications received from Vice-Admiral Pareja, Commander-in-chief, and Commander Blake, of Her Majesty's ship "Mutine," relative to this disastrous affair, are herewith forwarded.

Inclosure 2 in No. 12.

Commander Blake to Commodore Harvey.

(Extract.) *"Mutine," at Valparaiso, September 28, 1865.*

MY instructions from the Commander-in-chief on arriving at this port on the 31st of last month, were to the effect that I should get ready Her Majesty's ship under my command with all convenient dispatch, and proceed to Panama to relieve the ship I should find there. In the ordinary course of events I should have put to sea on or about the 24th instant, but as circumstances have arisen in the interval of so serious a nature as to render it necessary for me to depart, at least for the time, from those instructions, I have the honour to communicate you the reasons for so doing.

The day of Admiral Pareja's arrival here on the 17th instant, in the "Villa de Madrid," I went to Santiago, and from the personal communication I had with the Minister Chargé d'Affaires, I was informed that matters of importance were soon likely

to take place between Spain and Chile which would make it undesirable to lessen our force in this port, and was requested to delay my intended departure until communicated with upon the subject. On the 24th instant I received a communication from Her Majesty's Chargé d'Affaires, copy of which I inclose.

In the meanwhile Admiral Pareja in the "Villa de Madrid," having with him the "Resolucion" and gun-boat "Vencedora," had made demands upon the Chilean Government with a view of settling the difficulties between that country and his own, to which he comes as the accredited Minister Plenipotentiary.

Before proceeding to negotiations, it was understood that the Spanish Admiral required that the Chilean Government should salute the Spanish flag. As this was refused, on the 24th instant I received the declaration of the blockade by the Spanish squadron, of which I inclose a translation, as also a printed copy.

By this notification it will be observed that the whole of the Chilean ports are intended to be blockaded; although I am led to believe that with the exception of at this port, Coquimbo, and Caldera, there are no blockading vessels.

The blockade commenced on the 24th instant, but began to take more effect on the day following, when an unusual number of vessels, through the strong southerly wind, made their appearance. The "Resolucion," being the only man-of-war (the "Vencedora" having left, and the "Villa de Madrid" lay at anchor in the bottom of the bay) prosecuting the blockade, in pursuing some English vessels, allowed others to enter and drop their anchors before she was able to make it known to them. The Spanish officers, however, upon going on board, notified the existence of the blockade upon their articles, and informed them that they must go out again and were restricted from entering any port of Chile. Upon a remonstrance having been made to me from the captains and consignees with regard to the great loss and inconvenience that would attend the compliance of these orders, I proceeded over in Her Majesty's ship "Columbine" the next day, and in my personal interview with Admiral Pareja referred to the circumstances under which the English vessels had entered, alleging that as there was no violation of the blockade I claimed for these particular ships the same privilege granted to those in the port when the blockade was notified, upon the ground that these vessels were also in port before receiving similar notice. The substance of his reply was a refusal to my demands, for the reason that, as he had dominion of the port, his superior force to that of his enemy gave him the right to exercise his intentions to exact compliance with the orders of which I complained. My appeal, to what I considered a harsh if not an illegal measure, resulted in my entering a verbal protest. Admiral Pareja, in this decision, at the same time gave permission for these vessels to make good damages and otherwise prepare for their voyage before proceeding to sea, but in the meantime they were not to discharge their cargoes.

Yesterday I received a communication from the Spanish Admiral revoking his former decision with respect to these English vessels, and they are now discharging.

I had in the meantime written to Her Majesty's Chargé d'Affaires for instructions, copy of which I inclose. But as I considered them insufficient to meet the case, in the event of the Spanish authorities attempting to make seizures or capture these vessels, I wrote for additional advice which I have not yet received, but which, fortunately, is now not needed.

Such is the present state of affairs, and the apparent firmness on the part of the Chilean Government to refuse compliance with the Spanish demands, will, I fear, very shortly lead to more serious results to British property and interests, and make it necessary for me to remain here for their protection until reinforced, or receiving further directions from you.

Inclosed is a copy of a petition from the English merchants when hearing that I was to take my departure.

P.S.—I take advantage of the opportunity of the "San Carlos" sailing direct to Callao to communicate.

Inclosure 2 in No. 12.

Admiral Pareja to the British Senior Naval Officer at Valparaiso.

*On board the "Villa de Madrid," Valparaiso,
September 24, 1865.*

(Translation.)

THE Chilean Government being determined not to give to Spain the satisfaction due for the different grievances inflicted on her, the Undersigned, Commander-in-chief of

the naval forces of Her Catholic Majesty in the Pacific and her Minister Plenipotentiary, informs the British senior naval officer at Valparaiso, that in compliance with the orders of his Government, he declares the rupture of diplomatic relations with Chile, and the ports of the said Republic to be in a state of blockade.

He has therefore the honour to inclose herewith the instructions which the captains of Her Catholic Majesty's vessels, charged with effecting the blockade, have to observe respecting the same. From them you will see that at the same time that it is intended as much as possible to damage the interests of the commerce of Chile, all possible facilities are granted to the commerce of neutrals, so that the Undersigned does not hesitate to consider them as the most favourable conditions, up to the present date, given by any belligerent nation. At the same time the Undersigned has to state that, with a view not to prejudice the commerce of other countries except Chile, he has determined to give a term of ten days in order that merchant-vessels of neutral nations, which at the time of the blockade being notified to their respective Consuls might be in any of the ports of Chile, may depart from the same either in freight or in ballast; it being understood that the captains of the said vessels must show the captains of the blockading vessels that the nationality of the former are of a date prior to that on which the blockade was notified to their Consuls, circumstances which the captains have to prove by means of a certificate made out *ad hoc* by the same Consuls.

As the blockade from the moment of being notified is meant, as already stated, to inflict upon Chile all the injuries which the law of warfare renders possible, the term of ten days granted does not refer to the neutral merchant vessels which being in a port of the Republic might take in cargo with destination to another port of the same Republic, that is to say, that the concession of the term is limited to those that are loading for a neutral port.

In communicating the above to the British senior naval officer, the Undersigned has to state that it is with the object of its being brought to the knowledge of his countrymen, and that for this purpose the captains of the vessels of the squadron under his command will communicate it to the respective Consuls at the ports which have to be blockaded.

And in complying in this manner with the instructions of his Government, the Undersigned, &c.

(Signed) JOSE MANUEL PAREJA.

Inclosure 3 in No. 12.

Instructions issued by the Commandant-General of the Pacific Squadron to the Commanders of the Ships composing the same, to be strictly attended to by them.

[See Inclosure 11 in No. 2.]

Inclosure 4 in No. 12.

Mr. Thomson to Commander Blake.

Sir,

Santiago, September 23, 1865.

I HAVE seen it announced in the public journals that both "Mutine" and "Columbine" are to sail this day from Valparaiso, but in the present threatening state of affairs between Spain and Chile, it is very desirable for British interests that one of Her Majesty's ships of war should be present at all events for some days at Valparaiso. I have therefore to request, unless the orders of the Admiral are of such a nature as to leave you no choice, that the departure of one or other of Her Majesty's ships be deferred until I have had an opportunity of communicating with Commodore Harvey.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure 5 in No. 12.

British Merchants at Valparaiso to Commander Blake.

Sir,

Valparaiso, September 25, 1865.

IT having come to our knowledge that there is a probability of your shortly leaving this port, we the undersigned British merchants, respectfully beg to convey to you an expression of our fears for our lives and property in the event of a continuance of the existing hostilities between this country and Spain.

It is notorious that the large labouring population of this port is important in the extreme and may be said to live "from hand to mouth," and it is greatly to be feared that outrages and robberies will become but too prevalent if the blockade be continued, whereby the bulk of the population will be deprived of the means of buying the necessaries of life.

We therefore assuredly solicit that you will be pleased to remain with the vessel under your command for our protection, and under the circumstances sincerely hope that you will feel justified in acceding to our petition.

We are, &c.
(Signed) EDWARD LOGAN.
(And 15 others.)

Inclosure 6 in No. 12.

Mr. Thomson to Captain Blake.

Sir, Santiago, September 27, 1865.

I HAVE the honour to acknowledge the receipt of your letters of the 25th and 26th instant. With regard to the last paragraph of the latter, if I understand it aright, it would appear that the Spanish Admiral's interference with British merchant vessels which have arrived since the blockade has been established, is of a double nature. One having reference to an alleged violation of the blockade; the other to his right to order any vessel in the port to leave, on receiving from him an order to that effect.

If it can be clearly established that a British vessel coming from abroad, and not from any ports in Chile where it may be presumed that intelligence of the establishment of a blockade had become known, and without having been ordered by a gun fired from one of the blockading squadron to lay to, or notified of the fact of the port being blockaded, has passed into the port and anchored, I am of opinion such vessels are not liable to be sent to sea again by the blockaders, or to the penalties of a violation of blockade, and if obliged to do so, it should be under a protest of the captain as regards the ship, and of the consignee as regards the merchandize. The other pretension, if I have understood it aright, also appears to me to be unfounded.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

Inclosure 7 in No. 12.

Captain Ward to Commodore Harvey.

(Extract.)

"Columbine," Valparaiso, September 23, 1865.

IN continuation of my letter of the 17th instant, on which day the Spanish flag-ship arrived in the bay, demanding reparation for an alleged insult to the Spanish flag, I have the honour to report that, after allowing sufficient time to elapse for the Admiral to salute the shore if he thought proper, and seeing that it was not his intention to do so, the "Mutine," by my orders (Commander Blake being at that time in Santiago), saluted the Admiral's flag, which was immediately returned.

2. It was understood that the demand made by the Spanish Admiral as a preliminary to entering into negotiations on the subject of dispute between the Governments of Spain and Chile, was a salute of the Spanish flag, forty-eight hours being allowed for coming to a decision.

3. The 18th was celebrated with the accustomed ceremonial on shore and afloat. The excitement on shore was intense, in consequence of the unfriendly visit of the Spanish flag-ship at the moment of national rejoicing, and the patriotism of the Chilenos was inflamed to the utmost pitch, so that it was said to be simply impossible for the Government to have acceded to the Spanish demands even had they been inclined to do so, on account of the excited state of the populace, who were in a humour to listen to nothing short of war with Spain and an entire rejection of the preliminary demand for a salute of the Spanish flag.

4. In the middle of the night following the "Diez-y-ocho," the "Esmeralda," and "Maypu," Chilean men-of-war, steamed out of the bay. Various reports got about as to their intended destination, but I have since heard that they are both at San Carlos.

5. On the 20th the Spanish ship "Resolucion," and gun-boat "Vencedora" arrived, and anchored in the bay.

6. On the evening of the 25th the Spanish ships weighed and proceeded over to the

eastern side of the bay, where the flag-ship and gun-boat anchored; the "Resolucion" remaining under weigh for the purpose of notifying neutrals of the establishment of the blockade of the ports of Chile.

7. On Monday the 25th five or six English ships came to an anchor in the bay without having been notified of the existence of the blockade, and on the following day, in consequence of the action taken by the boats of the "Resolucion" in notifying the blockade to these ships after they had come to an anchor, desiring them to depart without landing their cargo, Commander Blake proceeded in Her Majesty's ship "Columbine" to the eastern side of the bay to communicate with the Spanish Admiral, the result of which communication, as also all other points of dispute which have arisen since the establishment of the blockade, I leave Commander Blake to report to you.

8. The disturbed state of affairs on shore prevented me from going out for the cruise which I stated in my last letter I intended doing on the 23rd instant. On the morning of that day, therefore, I got up steam and proceeded outside the bay for the purpose of gunnery practice, returning to the anchorage in the afternoon.

Inclosure 8 in No. 12.

Mr. Petrie to Commodore Harvey.

*Pacific Steam Navigation Company, Callao,
October 9, 1865.*

Sir,

I HAVE the honour to transmit herewith, for your information, certified copy of protest made by the master, mate, and purser of the Company's steam-ship "San Carlos," before Her Majesty's Vice-Consul at this place, of the 7th instant, from which you will learn the particulars of the expulsion of that vessel from her moorings at Valparaiso harbour on the 29th ultimo by an armed force from one of the vessels of the Spanish squadron then in that harbour, without being allowed either to land any of the cargo she had on board for Valparaiso, or to take on board any cargo or passengers for any other place, and the reasons which compelled the master to come on to this place for shelter.

The following notification (which is copied *verbatim et literatim*) was put on the ship's papers by the boarding officer in command of the Spanish boats which first boarded the "San Carlos" on the 27th September, whilst laying at her moorings:—

"El oficial que suscribe participa al capitan de este vapor el bloqueo de las costas de Chile por la escuadra Española, hoy 27 de Setiembre de 1865.

"JOSE M. ALVAREZ."

I take the liberty also of directing your attention to the terms of the blockade declared by the Admiral commanding the Spanish squadron.

The blockade is declared to extend to all the ports of Chile.

Article II, and the note attached to it, of the instructions of the Admiral to the officers commanding the blockading vessels, expressly recognizes the principle that a blockade to be respected must be effective, and that the only cause which will justify an exception to this general rule is the accidental and temporary absence of the blockading ship from port, caused by stress of weather.

The ports of Chile number about fifty, and extend over a distance of more than 2,000 miles, while it is well known that the vessels composing the squadron under Admiral Pareja's orders, do not number more than six or eight ships, rendering an effective blockade of the coasts of Chile in terms of this declaration an impossibility.

This blockade, which, for the reasons above stated, I cannot help thinking an illegal one, puts a stop to the mail service being carried out by this Company's steam-ships under contract with Her Majesty's Government on the coast of Chile, and seriously damages the interests of the Company by the interruption it causes to the traffic being carried on by the Company's vessels on the coasts mentioned.

The ports in Chile regularly called at by the Company's steam-ships prior to the declaration of the blockade were the following:—

Chañaral, Caldera, Carrizal Bajo, Huaxo, Coquimbo, Tongoy, Valparaiso, San Antonio, Constitucion, Tomé, Talcahuano, Coronel, Lota, Lebu, Corral (Valdivia), Ancud, Calbuco, and Port Mouth.

The damages to the interests of the Company, on whose behalf I have the honour to address you, cannot be less than from 15,000*l.* to 20,000*l.* per month during the continuance of the blockade as now in force, and I would earnestly beg that you will take such measures as may appear to you necessary and proper to protect the Company from a

continuance of the consequences of this apparently illegal blockade, and to enable the Company to obtain indemnification for the damages already sustained in consequence thereof, or which may hereafter be sustained.

I have, &c.
(Signed) GEO. PETRIE, *Manager,*
Steam Navigation Company.

No. 13.

The Earl of Clarendon to Mr. Thomson.

Sir, *Foreign Office, November 17, 1865.*
YOUR despatches to the 4th October were received yesterday afternoon, and your despatch of the 27th September this morning.

In the short time that remains before the departure of the mail I can only briefly allude to the important matters referred to in those despatches.

Her Majesty's Government greatly regret the interruption of amicable relations between Chile and Spain; but confining myself at present to the course which, under the circumstances, the Spanish Admiral has announced his intention to pursue, I have to state to you that Her Majesty's Government being advised that the notification of blockade issued by him is sufficient, due notice thereof is given in the "London Gazette" of this evening, of which I inclose a copy.

It appears, moreover, that you are of opinion that the blockade of the port of Valparaiso is supported by an adequate force. Whether the other ports in Chile are or are not effectually blockaded is a question of fact to be determined by the circumstances of each case; and I can only instruct you to pay particular attention to this point, and to report to me everything that may come under your notice which may have a bearing on it.

Her Majesty's Government will only recognize an effective blockade; and the notification in the "London Gazette" does not imply more than a formal announcement of a statement made to you by the Spanish Naval Commander. By an effective blockade of any port, must be understood the presence of a sufficient force to prevent, in ordinary weather, the ingress and egress of vessels.

It would, of course, be very desirable that some arrangement should be effected by the Spanish Admiral, by which mail-steamers should be allowed to carry letters to the different ports of Chile; and as this is a matter of very great importance, you will endeavour to make such an arrangement with him as soon as possible.

By the 20th Article of the instructions issued by the Spanish Admiral for the guidance of Spanish cruizers, it is provided that neutral vessels of war are to be allowed ingress into and egress out of blockaded ports. In the event, therefore, of the lives of Her Majesty's subjects in any Chilean port being in danger, no question would arise as to the right of one of Her Majesty's ships to enter the port and take them on board.

Her Majesty's Government rely upon your using your utmost exertions for the protection of lives and properties of British subjects in the lamentable state of things which prevails in Chile; but you will be careful not to transgress the limits of intervention permissible to the agent of a neutral power; and Her Majesty's Government would be prepared to approve the exertion of any friendly influence which you might bring to bear on the contending parties within those limits, to mitigate the horrors of war, or to bring about a cessation of hostilities till reference could be made to the Spanish Government in Europe.

These are the only directions which, under pressure of time, I am able to send you by the present mail in reply to your despatches. If, on further consideration, any additional instructions should appear necessary, they will be sent to you by the next mail.

I have communicated a copy of this despatch to the Board of Admiralty, who will doubtless make a communication to the same effect to the senior naval officer on the Coast of Chile.

I am, &c.
(Signed) CLARENDON.

No. 14.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, November 17, 1865.

ALTHOUGH I have been unable, in the short interval between the arrival and departure of the mail, to give to your despatches respecting the rupture between Chile and Spain, the full attention which the importance of the subject treated of in them demands, I am happy to be able to state to you, that you appear to have acted with proper prudence and with sound judgment in dealing with the various questions on which you were called upon to decide without loss of time.

I am, &c.

(Signed) CLARENDON.

No. 15.

Mr. Hammond to the Secretary to the Admiralty.

Sir,

Foreign Office, November 17, 1865.

I AM directed by the Earl of Clarendon to transmit to you a copy of a despatch to Her Majesty's Chargé d'Affaires in Chile,* with reference to an announcement made to him by the Spanish Admiral in the Pacific, that he had placed the coast of Chile under blockade; and I am to request that you will move the Lords Commissioners of the Admiralty to send corresponding instructions to the officer commanding Her Majesty's naval forces in the Pacific by the mail of this evening.

I am, &c.

(Signed) E. HAMMOND.

No. 16.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, November 18, 1865.

THE Valparaiso newspaper which I inclose, will put you in possession of the greater part, if not the whole of the correspondence which passed between the Admiral commanding the Spanish squadron off the coast of Chile and the Government of the Republic, and the Diplomatic Body, with reference to the hostile attitude assumed by the former, and the ultimate establishment of a state of war between Spain and Chile, of which correspondence a brief summary is given in Mr. Thomson's despatch, of which I inclose a copy.

I had only time before the departure of the mail to address to Mr. Thomson the instruction of which I inclose a copy.*

Every Government is judge of its own honour, and Her Majesty's Government have no intention of expressing an opinion upon the complaints of Spain against Chile, or upon the satisfaction demanded by Spain. But Her Majesty's Government must be permitted to say that the course pursued by Admiral Pareja appears to have been unnecessarily precipitate, and they trust that it will not meet with the approbation of Her Catholic Majesty's Government.

The Chilean Government had shown their readiness to meet the claims of Spain, and their conduct had been deemed in all respects satisfactory to the late Spanish Minister, M. Tavira. That gentleman's acceptance of the reparation offered by Chile was, however, disapproved at Madrid, and the arrangement was not ratified.

Admiral Pareja accordingly was instructed again to demand satisfaction, and by his instructions it appears that he was most properly directed to confer and agree with the Chilean Government; but so far from making any attempt to carry out this part of his instructions, Admiral Pareja, who did not leave his ship, sent an ultimatum to the Chilean Government demanding satisfaction on each of the points previously brought forward by M. Tavira, and furthermore that the Spanish flag should be saluted with twenty-one guns by one of the forts on the sea coast, the salute to be returned by one of the ships of the Spanish squadron.

* No. 13.

The Chilean Government not having complied with this ultimatum, the Spanish Admiral forthwith announced a blockade of the whole of the Chilean coast, although the force under his command is insufficient for rendering that blockade effective.

The ruin which this blockade will inflict upon the British residents at Valparaiso and upon British commerce with Chile, which exceeds eight millions sterling annually, imposes upon Her Majesty's Government the duty of bringing the whole subject under the immediate consideration of the Spanish Government, and of expressing their earnest hope that measures may be taken for bringing this state of things to a pacific termination.

I have this day received a deputation representing one of the most numerous and influential meetings ever held at Liverpool, whose object was to set forth the enormous losses that the blockade will inflict upon the trade of that town with Chile; and I have engaged that no time should be lost in bringing their representations before the Spanish Government, and adding that in the opinion of Her Majesty's Government it would be difficult to exaggerate the gravity of this matter.

I yesterday told the Marquis de Molins that although Her Majesty's Government, as matters now stood, were not in a position to offer uninvited to use their good offices to effect a reconciliation between the contending parties, yet if the Cabinet of Madrid should make any application to England and France for friendly mediation, or manifest a disposition to accept an offer to mediate, Her Majesty's Government would readily use their utmost exertions, if the Chilean Government were also willing, to bring about a good understanding, and one honourable to both, between the contending parties.

I added that I had of course no authority to speak in the name of the French Government; but I was too well aware of the good disposition by which the Emperor of the French was animated towards Spain, to feel any doubt that His Imperial Majesty would gladly co-operate in any measure which would be advantageous to that country.

I am, &c.

(Signed) CLARENDON.

No. 17.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, November 18, 1865.

THE further despatches from Mr. Thomson, of which I inclose copies,* refer to matters which the Spanish Government would do well seriously to consider.

The Government of Spain refused at the time to join with almost every other Power in the world in the Declaration of Paris of 1856, by which privateering was renounced, as between themselves, by the Powers, parties to that Declaration; and the Republic of Chile, though bound, as a party to that Declaration, to abstain from issuing letters of marque if it were engaged in hostilities with any other parties, is not restricted from doing so, and, as you will perceive, has announced its intention of doing so in the war thus forced upon it by Spain; and the Spanish Government cannot be surprised at this decision.

Her Majesty's Government much fear that from this state of things complications of a very serious nature may result to the Spanish Government. It may be anticipated that the Chilean Government will not be slow to distribute its letters of marque throughout the whole American continent; and from a communication which the Spanish Minister made to me yesterday, there would seem to be reason to apprehend that the distribution of such letters of marque will not be restricted to the American continent alone.

The Spanish Government may depend on every precaution, which is within the means of Her Majesty's Government, being taken to prevent any violation of the law of the land in this respect; but the Spanish Government must be well aware that the difficulties in the way of doing so are very great, and that the facilities for eluding or defeating pursuit and prosecution are such that the utmost endeavours of Her Majesty's Government in giving effect to the municipal law may be unavailing.

I told the Spanish Minister that his representation should be immediately considered; but I pointed out to him at the same time what the Spanish Government had to apprehend for its shipping and commerce if the war should continue to be waged.

I am, &c.

(Signed) CLARENDON.

The Earl of Clarendon to Mr. Grey.

Sir,

Foreign Office, November 18, 1865.

I TRANSMIT to you herewith, for your information, copies of despatches as marked in the margin,* which I have addressed to Her Majesty's Minister at Madrid and to Her Majesty's Chargé d'Affaires in Chile, with reference to the hostile proceedings of the Spanish Government towards the latter country.

I have to instruct you to communicate the substance of these despatches to M. Drouyn de Lhuys.

I am, &c.
(Signed) CLARENDON.

Mr. Grey to the Earl of Clarendon.—(Received November 20.)

My Lord,

Paris, November 19, 1865.

UPON the receipt of your Lordship's despatch dated yesterday, on the subject of the hostilities between Spain and Chile, I applied to M. Drouyn de Lhuys for an interview, and having been received by his Excellency this afternoon I communicated to him the substance of your Lordship's instructions to Mr. Thomson and Sir John Crampton, and of your correspondence with the Spanish Minister.

I have the satisfaction of reporting to your Lordship that M. Drouyn de Lhuys entirely concurred in all the observations made by your Lordship in the above-mentioned despatches, and with regard to the instructions addressed to Mr. Thomson, his Excellency asked me if I could not leave the despatch with him in order that he might frame his own instructions to the French Representative in Chile upon it. I said I would refer to your Lordship for permission, as I was only at present instructed to communicate the substance of the despatches in question to his Excellency.

I then read your Lordship's despatch to Sir John Crampton to his Excellency, who after listening with attention said he agreed with your Lordship's remark that every Government was the judge of its own honour, and that without entering into the question of the complaints of Spain against Chile, or of the satisfaction demanded, he considered that there was apparently ground for considering Admiral Pareja's conduct to have been precipitate, and for making a representation to the Spanish Government on that point. At the same time M. Drouyn de Lhuys guarded himself from any positive assertion in this sense by saying that he had not yet had time to read the despatches he had received, with sufficient attention.

I observed to his Excellency that Admiral Pareja's own report, which was published in the "Moniteur" this morning, undoubtedly showed that that officer had not complied with the instructions which bound him to confer and, if possible, come to an arrangement with the Chilean Government. M. Drouyn de Lhuys assented, and repeated that the Admiral's mode of proceeding did appear to have been both harsh and precipitate.

With regard to the blockade of the Chilean coast the French Government would, in concurrence with that of Her Majesty, only recognise it if it was effective; and as the injurious effects of the blockade would press very heavily on the commerce of France, M. Drouyn de Lhuys said he should express himself explicitly upon this point in writing to the French Ambassador at Madrid.

M. Drouyn de Lhuys concluded by saying that the Government of the Emperor would be ready, in conjunction with the British Government, to offer to Spain their good offices to effect a reconciliation with Chile, and his Excellency would, I apprehend, be ready to make this offer even without any previous invitation from the Spanish or Chilean Governments. I inquired whether the Spanish Ambassador had given M. Drouyn de Lhuys any reason to suppose that Spain would avail herself of an offer of good offices by England and France. His Excellency replied in the negative.

M. Drouyn de Lhuys regretted that he had not time to forward instructions in the same sense as your Lordship's, by the Queen's messenger to Madrid to-night, but he said that his despatch would follow your Lordship's very shortly.

I have, &c.
(Signed) W. G. GREY.

* Nos. 13, 14, 15, 16, and 17.

Mr. Grey to the Earl of Clarendon.—(Received November 20.)

My Lord,

Paris, November 19, 1865.

AFTER the conversation recounted in my preceding despatch, I put M. Drouyn de Lhuys in possession of your Lordship's views regarding the probable issue of letters of marque by the Chilean Government, and of the communications which had passed between your Lordship and the Spanish Minister on the subject.

M. Drouyn de Lhuys concurs in your Lordship's opinion that the Chilean Government has an undoubted right, in a war against a Power which has not acceded to the Declaration of Paris, to grant letters of marque. His Excellency said, however, that he believed the Chilean Government had not itself formally acceded to the Declaration of Paris, though it had expressed its intention of so doing. Whether it had or not would, however, in this case make no difference, as it was self-evident that Chile could not allow Spain to have the advantage of carrying on war against her in a mode from which she was debarred herself. He expressed some astonishment at the Chilean Government having already taken steps to equip privateers in England, saying that they must have foreseen that a rupture was inevitable.

His Excellency will not fail to point out to the Spanish Government the serious consequences which may ensue from this state of things.

I have, &c.

(Signed) W. G. GREY.

The Earl of Clarendon to Sir J. Crampton.

(Extract.)

Foreign Office, November 21, 1865.

THE Spanish Minister informed me to-day that he had communicated by telegraph to his Government the substance of our conversation on the 17th respecting the blockade of the ports of Chile, and my inquiry as to whether the mediation of Her Majesty's Government would be acceptable to Spain in her difference with Chile.

The Marquis de Molins stated that, in reply, he had been instructed to say that the Government of Her Catholic Majesty would thankfully avail themselves of the mediation of England; and he was to assure me that Spain had no object of ambition or resentment to gratify; that she desired solely that the national honour and dignity should be safeguarded, and that she would rejoice in the restoration of amicable relations with Chile.

I answered that this information would be received with great satisfaction by Her Majesty's Government; and having told the Marquis de Molins the substance of the instructions which I had addressed to you on the 18th instant, I said it would be necessary to wait for your reply in order to judge of the nature of the complaints of Spain against Chile, and the reasons why the reparation offered by the Chilean Government to Señor Tavira was considered insufficient, before we could determine upon the communication which it would be expedient to address to the Chilean Government, and also to know whether the mediation of France, conjointly with that of Great Britain, was desired by the Government of Her Catholic Majesty.

The Marquis de Molins concurred in this, but he requested that it might be borne in mind that it was Chile which had declared war against Spain, and not Spain against Chile.

I said that this was hardly an accurate representation of what had passed, as Admiral Pareja, so far from complying with his instructions, which were "to confer and agree" with the Chilean Government, had not quitted his ship, but had sent to Santiago an ultimatum, on the day when the Chileans were celebrating the anniversary of their Independence, and when they were more likely than on any other day to resent the peremptory demands of Spain; and that upon their declining to comply with them, Admiral Pareja had announced a blockade of the whole coast. This being an act of war, had been accepted accordingly by the Chilean Government, which then declared war against Spain.

The Marquis de Molins admitted that the day chosen by Admiral Pareja for sending his ultimatum was unfortunate, but he was convinced that it had been done inadvertently, and without intention to offend the national dignity of Chile.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, November 22, 1865.

I TRANSMIT to you herewith a copy of the memorial which was presented here on the 18th instant, and to which I referred in my despatch of that date, on behalf of parties at Liverpool engaged in trade with Chile, and a copy of a further memorial which I have since received, signed by Messrs. Baring, Brothers, and by upwards of forty of the principal firms in London, who represent without exaggeration the feelings of the whole mercantile community of England upon the proceedings of Admiral Pareja, and their disastrous consequences to the foreign trade with Chile.

You will communicate copies of these memorials to the Spanish Government.

I am, &c.

(Signed) CLARENDON.

Inclosure 1 in No. 22.

Memorial from certain Merchants, Shipowners, &c., at Liverpool.

To the Right Honourable the Earl of Clarendon, Her Majesty's Principal Secretary of State for Foreign Affairs.

The Memorial of the undersigned, merchants, shipowners and others, engaged in trade and commerce with the West Coast of South America.

Sheweth,

That your memorialists are deeply interested in the commerce of the several Republics on the West Coast of South America, especially with the Republics of Chile and Peru.

That the interests of your memorialists have already materially suffered from the hostile measures inflicted by Spain on the Republic of Peru in the present year, and that they now view with great alarm the attitude assumed by Spain towards the Republic of Chile, according to which, as appears by the advices to hand, the Chilean ports have been blockaded. The blockade of the ports of Chile have already inflicted considerable loss on your memorialists, and must still further seriously militate against their interests.

That without entering into the merits of the difficulty between the Government of Spain and the Republic of Chile, your memorialists have reason to believe that the grievances are founded on most trivial grounds, and hostilities have been hastily and most unexpectedly adopted by Spain, after all the points in dispute had been amicably arranged through the Spanish Minister, then resident at Santiago.

That under the circumstances above described, your memorialists are naturally most desirous to know what measures the British Government are prepared to adopt for the protection of British interests now so seriously prejudiced by the action of the Spanish Government on the West Coast of South America.

May it therefore please your Lordship to give such information to your memorialists as may enable them to forward suitable instructions to their respective correspondents in the Pacific, and further to adopt such prompt and energetic means for the protection of British property as may seem best to your Lordships.

(Signed)

BENJ. C. NICHOLSON,
Chairman of the Shipowners' Association.
(And 118 others.)

Inclosure 2 in No. 22.

Messrs. Baring and others to the Earl of Clarendon.

My Lord,

London, November 18, 1865.

WE, the undersigned, engaged in the trade between this country and the Republic of Chile, cannot view without alarm, not only for our own interests, but for the whole commerce of the Empire, the events which have recently occurred in the Pacific and of which intelligence has recently reached us. It would not become us to pass any judgment on

the conduct of either of the belligerents, and as little to express an opinion as to the measures which Her Majesty's Government may deem it expedient to adopt, but we deem it our duty to express to your Lordship our deep sense of the injury which has been inflicted on the welfare of the vast number of British subjects who have invested capital in the trade with Chile, and in the financial and industrial undertakings in that Republic, by the blockade of the Chilean ports and by the declaration of war between the Governments of Spain and Chile; and to invoke the good offices of your Lordship to effect the removal of hardships, the prolongation of which cannot fail to have the most serious consequences.

We are aware that your Lordship is fully acquainted with the great amount of interests which are there at stake, and of the extent to which British capital and enterprise are interested in the continuance of peaceful relations and undisturbed trade with Chile; but should your Lordship desire any details, we shall be prepared to bring them before your notice at any time at which your Lordship will honour us with an interview. In the meantime, we trust that we shall not be considered impertinent, if, with the conviction that this important subject has already occupied the immediate attention of Her Majesty's Government, we ask the assurance that its powerful influence will be exercised to bring to a speedy termination the injury now inflicted on us and our fellow subjects.

We have, &c.

(Signed) BARING, BROTHERS.

No. 23.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, November 22, 1865.

THE Chilean Minister called upon me to-day to inquire whether Her Majesty's Government would not be disposed to mediate between Spain and Chile, and put a stop to a war, upon the disastrous consequences of which to his own country and to the trade of foreign nations, it was unnecessary, he said, for him to expatiate.

I made known to M. Carvallo the substance of the instructions which had been sent to Sir John Crampton, and I asked him if he had reason to think that his Government would accept the good offices of England in the matter.

M. Carvallo replied that he had no positive instructions on the subject, but that he would unhesitatingly take upon himself to assure me that the mediation of England would be accepted with gratitude by the Government and people of Chile.

As might be expected, the proceedings of Admiral Pareja were condemned in strong terms by M. Carvallo, who said that his Government had been so anxious to avoid a quarrel with Spain, and to afford satisfaction for any real or supposed offence which had been given to her, that the "Act of Reparation" had been drawn up in friendly communication with M. Tavira, and had been amended in entire accordance with his wishes.

I have, &c.

(Signed) CLARENDON.

No. 24.

Mr. Grey to the Earl of Clarendon.—(Received November 25.)

(Extract.)

Paris, November 24, 1865.

I COMMUNICATED to M. Drouyn de Lhuys yesterday your despatch to Her Majesty's Minister at Madrid, dated the 21st instant, respecting the state of affairs between Spain and Chile; and I took the opportunity of inquiring whether his Excellency had had any communication upon the subject with the Spanish Ambassador at this Court.

M. Drouyn de Lhuys answered that he had only had a vague conversation with the Marquis de Lema on the first arrival of the intelligence from Chile, and that he had had no further opportunity of recurring to the subject, as that Ambassador was at Compiègne.

His Excellency informed me, however, that he had written to Madrid, deploring the outbreak of hostilities and expressing his hope that the difference between Spain and Chile might be amicably adjusted.

His Excellency went on to say, that if the Spanish Government desired the mediation of France jointly with Great Britain, it would readily be given; while, on the other hand, France would feel no jealousy should Spain prefer that the mediation should be undertaken by England alone.

M. Drouyn de Lhuys also informed me that he had written to the French Representative in Chile much in the same sense as your Lordship had done to Mr. Thomson.

No. 25.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, November 27, 1865.

I HAVE received your telegram of the 23rd instant, giving a brief account of your first communication with Marshal O'Donnell after the receipt of my despatches of the 18th instant, respecting the rupture between Spain and Chile.

I am awaiting your detailed reports on the subject; but the evil of delay at the present moment threatens to be so serious that I have to instruct you to ask the Spanish Government to send instructions to Admiral Pareja by the mail of the 1st of December, desiring him at once to suspend hostilities and to raise the blockade which he may have established.

If the Spanish Government will adopt this course, Her Majesty's Government, on hearing from you to that effect, will desire Her Majesty's Charge d'Affaires at Santiago to urge the Chilean Government also to suspend hostilities.

If both parties agree to this course, an opportunity will be offered for effecting an amicable arrangement, either by direct negotiation between the parties or through the mediation of England and France, supposing the Governments of Chile and of Spain should equally be willing to avail themselves of it.

Her Majesty's Government are the more anxious that Spain should adopt the course which they recommend, inasmuch as information reaches them from various quarters, although not in a form sufficiently definite to warrant any decided steps on their part, that movements are going on in some of the ports of the United Kingdom which may result at no distant day in the despatch of vessels, furnished with Chilean letters of marque, to cruise against the commerce of Spain.

Her Majesty's Government may be unable to prevent such a result, for sufficient evidence of an intention to transgress the law of the country applicable to such a proceeding is always most difficult to be procured; and the disasters which even a limited number of privateers under the Chilean flag could inflict on Spanish commerce can scarcely fail to occur to the minds of the Spanish Ministers.

I should wish to be informed as soon as possible of the decision of the Spanish Government, so that I may prepare my instructions to go to Mr. Thomson by the mail of the 1st of December.

I am, &c.

(Signed) CLARENDON.

No. 26.

Sir J. Crampton to the Earl of Clarendon.—(Received November 28.)

(Extract.)

Madrid, November 23, 1865.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 18th instant, which reached me yesterday by messenger Hall, who was delayed for twenty-four hours by an accident which occurred on the railway.

I lost no time in putting myself in communication with Her Catholic Majesty's Government upon the subject of the state of war now existing between Spain and Chile.

The Minister for Foreign Affairs and the Under Secretary of State were at La Granja, but having learned that Marshal O'Donnell had just arrived at Madrid, I requested his Excellency to grant me an interview, which accordingly took place this morning.

I found that his Excellency was much annoyed at the strong language, in reprobation of the conduct of Spain in regard to this matter, which had been made use of by the English press, and also at the appearance of telegraphic announcements in the Madrid newspapers to the effect that despatches of a menacing character had been addressed to me by Her Majesty's Government, for communication to that of Her Catholic Majesty in regard to the Chilean question.

"How is it possible," said his Excellency, "that good offices (for I will not suppose that intervention is intended) would be accepted under such circumstances?" "Besides," his Excellency added, "I put it to your feelings as a man of honour, what course would

you advise if the flag of your country had been insulted, and what would be the conduct of the Government of England under such circumstances? Would England allow another nation to intervene or to prescribe to her the manner in which she was to vindicate her national dignity?"

I had little difficulty in removing the impression, which had evidently been produced on Marshal O'Donnell's mind by inaccurate information, which had reached Madrid before I was in possession of your Lordship's instructions upon this matter.

It was true, I observed, that I came to speak to him upon the subject of the rupture between Spain and Chile and of its consequences, and it was true that I had now received the instructions of Her Majesty's Government upon the subject; but it was an error to suppose that Her Majesty's Government had directed me to dictate to the Spanish Government the terms which they ought to consider as satisfactory in a question of national dignity with another Power, or to exercise any other pressure on the Spanish Government than that which might be produced by the confidential suggestions of a friendly Government.

The instructions of Her Majesty's Government were, I said, of the simplest as well as of the most amicable nature. A state of war had arisen between two nations both of them upon friendly terms with Great Britain. By the effects of that war the interests of a considerable number of Her Majesty's subjects were placed in jeopardy; and Her Majesty's Government could not but further remark, both that the consequences of the war were likely to be very unsatisfactory and injurious to one or to both of the parties engaged in it, and that the causes of the war were such as rendered it susceptible of an amicable arrangement.

The first-mentioned consideration was one which rendered it incumbent upon Her Majesty's Government to use their best efforts to ward off, if possible, expected ill consequences to Her Majesty's subjects. This, as was proper, was a consideration which was entitled to precede all others in the estimation of Her Majesty's Government; but I could assure his Excellency that there was another motive by which Her Majesty's Government was not less sincerely animated, viz., the friendly desire to see the Spanish Government honourably relieved from the necessity of pursuing a course of hostilities which Her Majesty's Government thought detrimental to the best interests of Spain.

For this purpose, Her Majesty's Government were prepared to accept the office of mediators, if invited to do so by the contending parties, or to make offer of their mediation if the contending parties showed a disposition to accept it. Such was the tenour of my instructions, and it did not appear to me that there was anything therein at which the Spanish Government could take umbrage. Her Majesty's Government had no intention of expressing an opinion upon the complaints of Spain against Chile or the satisfaction demanded. Every nation was judge of its own honour. It was true, I said, that Her Majesty's Government could not help remarking that the course pursued in the last instance by Admiral Pareja had been unnecessarily precipitate.

Here Marshal O'Donnell interrupted me by remarking, that he felt sure that when Her Majesty's Government had become acquainted with the documents to-day published in the official Gazette of Madrid, they would change their opinion of that officer's conduct. However that might be, what he wished me to say to my Government was this:—That the Spanish Government felt the greatest regret at the rupture of friendly relations with Chile. That this rupture had resulted from causes over which the Spanish Government had no control, arising out of the differences between Spain and Peru last year, and that it involved a question of national dignity solely. The Spanish Government had no other object in it than to obtain a just satisfaction on this head. They neither sought territorial acquisition, pecuniary indemnities, or even influence greater than that of any other nation. The matter had been strangely mismanaged by the Representative of Spain in Chile, who, he said with sorrow, had lamentably failed in his duty and disobeyed his instructions, and not, the Marshal observed, fresh instructions sent to him by the present Administration, as had been stated, but those of the preceding Government, as would be apparent to me from the documents now published in the Gazette. The Government of Marshal Narvaez must equally with the present Government have disavowed the proceedings of Señor Tavira. Absolutely nothing was now asked by the present Government that had not been required by their predecessors in office, nor could he see that anything had been required at any time that was unreasonable or could not be properly accorded by Chile.

His Excellency then observed that he thought the proceedings of the Diplomatic Body at Santiago had not been judicious or altogether fair towards Spain. Those gentlemen at once declared themselves in favour of the pretensions of the Chilean Government, and hostile to those of Spain, whereas by showing greater impartiality, he thought an accommodation might have been arrived at.

"However," said the Marshal, "I receive your communication in the same friendly spirit in which I believe it to be made, and I would consequently propose that you should suggest to Lord Clarendon, in whose honourable sentiments and judgment I place great confidence, that his Lordship should indicate to you, after an impartial consideration of the whole subject, including the documents published to-day in our official Gazette, such terms of satisfaction as might, in the opinion of your Government be accepted by Spain, with a due respect to her dignity and honour. I can only say that, if he consents to do so, his suggestion will be taken into serious consideration by myself and my colleagues, with every wish to arrive at a peaceable solution of a quarrel, in which we find ourselves unwillingly engaged, and in which we have no interested object whatever."

As a proof of this, his Excellency added, that he would say to me on his own responsibility (for he had not consulted his colleagues on this subject) that Spain, if she obtained due satisfaction upon the points which concerned her national honour, would abstain from urging any pecuniary indemnity from Chile for the expenses of the present war.

There is one point, Marshal O'Donnell observed, which would of course be understood, viz., that were Spain to adopt such suggestions as her Majesty's Government might make, she should have some guarantee that after having taken this step, she should not find it rendered nugatory by the refusal of the Government of Chile to accede to the terms proposed.

Marshal O'Donnell concluded our conversation by saying that he thought the suggestion he had now made to me precluded the necessity of any present discussion between us of the merits of the case, or of the incidents which had led to the present state of things between Chile and Spain, and that he would await your Lordship's answer to the communication he had requested me to make.

I remarked in reply, that feeling convinced that the object of her Majesty's Government was not to criticise past transactions, but to find the means of putting an end to a painful state of things now existing, and being also of opinion that what he now proposed afforded an opening to what I hoped would lead to such a result, I concurred in thinking that we might suspend further discussion of the matter.

No. 27.

Sir J. Crampton to the Earl of Clarendon.—(Received November 28.)

My Lord,

Madrid, November 24, 1865.

IN the conversation with Marshal O'Donnell reported in my immediately preceding despatch, I stated to his Excellency that, although I could not speak in the name of the French Government, I had reason to believe that a communication similar to that which I had just made would shortly be conveyed to him from that Government upon the subject of the rupture between Spain and Chile.

The French Ambassador, M. Mercier, has since apprized me that he has received an instruction from his Government. He was so good as to read to me M. Drouyn de Lhuys' despatch, from which I gathered that the views of the Government of the Emperor entirely concurred with those of Her Majesty's Government upon this subject.

My French colleague now informs me that he has had an interview with Marshal O'Donnell, who used to him the same language, and made to him the same proposal, in regard to the Emperor's Government, as he used to me in regard to that of Her Majesty.

M. Mercier added that he, on his part, observed the same line of conduct as I had done, viz., that, considering that an opening had been given for the mediation of his Government, he had abstained from all discussion of the merits of the case, or of the past incidents which had led to the present state of the question.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Señor de Castro to the Marquis de Molins.—(Communicated to the Earl of Clarendon by the Marquis de Molins, November 28.)

(Circular.)
(Translation.)
Excellency,

San Ildefonso, November 23, 1865.

THE misunderstanding which arose last year between Spain and the Republic of Peru, which fortunately did not produce a state of declared war between the two countries, and which may now be looked upon as entirely and satisfactorily ended, gave rise, on the part of the Government of the Republic of Chile, with which we had always maintained cordial friendly relations, to the manifestation of a spirit of hostility and ill-will towards us which we were very far from apprehending, inasmuch as we had given no reason whatever for such a spirit. In a short time the offences were multiplied; the Spanish flag flying over our Legation was misused and dishonoured by the populace, in the view and with the assent of the armed force of Chile, which stood by unmoved at an act unworthy of any civilized nation. A newspaper called the "San Martin," took upon itself in the most unheard-of manner, to insult the Spanish nation, and even the personification of its institutions. The Government did nothing to stop this, and did not even protest from its place in Parliament, or through its newspapers, against such unworthy behaviour; thus showing by its acquiescence, or by the absence of reproof, a tacit approval of, or complicity with that scandalous act. Violating the laws of neutrality, and banishing from their minds the Treaties which unite them with Spain, they permitted a public advertisement for the enrolment of a crew for the Peruvian war-steamer "Lersundi;" actuated by a spirit of open hostility, they declared coal to be contraband of war, with the sole object of preventing the Spanish Government from providing itself with this fuel, and thereby causing great dangers and losses to our vessels and our treasury. And as a further instance of their hostile partiality, they refused coal to us, whilst they allowed the French ships to take it, which were acting against Mexican ports.

It would be too long to enumerate and particularize the insults which the Chilean Government has offered without reason to a friendly and allied nation, against which they could have no cause of complaint, and with which they were united by a solemn Treaty of Peace and Friendship. This conduct gave rise to a long series of negotiations between Her Majesty's Minister and the Government of Chile, a correspondence which began on the 4th of May, 1864. To the repeated communications of the Minister of Spain, in which he stated the series of insults received, the violation of Treaties, and the requirements of not only the ties of old friendship and solemn compacts, but of the rules of the merest neutrality between nations which are not enemies, to representations made in the most courteous and decorous terms, to the earnest wishes to avoid every cause of complaint and coolness between the two nations, and lastly to the anxiety of the Spanish Government to employ all conciliatory means for preventing the interruption of the friendly relations which it was anxious to maintain and preserve with the Republic of Chile, its Government replied only by evasions, by trifling, and sometimes with a disdain which added the bitterness of contempt and irony to insult.

Notwithstanding this behaviour, the Queen's Government did not depart from its habitual calmness, nor diminish its desire of coming to a friendly arrangement. A proof of this is shown by the last note written by our Minister resident in Chile, on the 13th of May of this year, recapitulating the insults received from that Republic, which, together with other important documents on this unfortunate question, will very shortly be published. The Chilean Cabinet replied to that note in the same evasive terms which had previously appeared unsatisfactory, both to Her Catholic Majesty's Government and to our Representative in Santiago. Señor Tavira, nevertheless, said he was satisfied, and declared that, in his opinion, the explanations given removed the causes of complaint which his Government might have received.

But Her Majesty's Minister, it is painful to say, had departed from his instructions; he had knowingly failed to observe them, for at the time when he sent the note of the 13th May, and when he received the Chilean Minister's reply of the 16th, and also when he declared on the 20th of that month, that, in his opinion, the causes of complaint had been removed, he held in possession the instructions which the Queen's Government had sent to him on the 25th of March, according to which he was rigidly to adjust his conduct. In those instructions, issued under the painful impression of so many offences, and of so many excuses for not giving satisfaction for them, the Government maintained that moderation and self-control by which it has been actuated in all the long course of the negotiation. No humiliating concessions were required of Chile; no pecuniary

indemnification was demanded, although we had an indisputable right thereto, considering the losses which we had suffered by a behaviour in contradiction with special Treaties, and with the laws of neutrality; all that was required of Chile was limited to what is now demanded through Admiral Pareja.

1. A salute of twenty-one guns to the Spanish flag on the day when it can be reciprocated by a ship of the Spanish squadron.

2. An explicit declaration constituting a satisfaction for the offences given to Spain.

3. A faithful and strict fulfilment of the Treaty of Peace.

These were the only conditions demanded of that Republic for the many repeated insults, and after such a long and fruitless negotiation.

The Spanish Minister, as I have already intimated your Excellency, wholly neglected those instructions; he expressed his satisfaction with the fresh excuses of that Government, and consequently I felt that I was obliged to propose his recall to Her Majesty, and to commit the settlement of our misunderstandings to Admiral Pareja.

It is vain to argue, as is done by the Chilean Minister for Foreign Affairs, in his note of the 22nd September, that as he could not know what was the tenor of the instructions of the Minister of Her Catholic Majesty, he necessarily supposed that he was acting in conformity thereto, and that therefore the arrangement of the difficulties pending between the two countries was an accomplished fact under the authority of a sentence pronounced, from the moment when Señor Tavira declared on the 20th May that the explanations given by the Chilean Minister removed the causes of complaint which his Government had advanced.

To say nothing of the fact that Señor Tavira declared that those explanations, in his opinion, removed the cause of complaint, the expression "in his opinion," being omitted by the Chilean Minister, an omission of great importance in the present case,—to say nothing also of the fact that the acts of a Diplomatic Agent are never definitive until they receive the approbation or ratification of his Government, the Government of Chile, we must say it, could not but know it in the present case. It was aware that the Spanish Government might disapprove the conduct of its Agent; and, moreover, the Chilean Cabinet foresaw and feared that disapproval; it suspected, at least, that the conduct of the Spanish Agent, of whom it had, spontaneously and beforehand, constituted itself a zealous and officious defender, could not be wholly conformable to the instructions received from his Government.

Your Excellency may find the proof of what I say in the Circular addressed, on the 1st of June, by the Minister Covarrubias to the Representatives of Chile in Europe and at Washington, acquainting them with the arrangement made with Señor Tavira, a copy of which I possess, officially authenticated, and authorized by one of its principal representatives. "We have the most lively interest," says Señor Covarrubias, "that the excellent conduct of this honourable diplomatist (Señor Tavira) may be approved by his Government. This interest does not proceed from a fear of fresh complications with Spain, but solely from the sentiments of sincere friendship and consideration which actuate us in respect of Señor Tavira and of Spain herself. It will be very proper to second our views, and I recommend your Excellency to call upon the Ambassador of the Court where you are, to make known to him the opinion here expressed to your Excellency upon the termination of our differences with Spain, and to remove any prejudices he may have conceived against the conduct of Señor Tavira."

If the acts of this Diplomatic Agent were to have the authority of a sentence pronounced, as the Chilean Minister now assures us, if in making the declaration of the 20th May, Señor Covarrubias thought that the Minister of Spain was acting in accordance with his instructions, what need was there of recommending and of contriving to obtain the approval of Her Majesty's Government, and what prejudices could the latter have against a Spanish Agent to make a foreign Government interested in the matter undertake the charge of removing them? No clearer proof than the words which I have copied can be brought forth to demonstrate that a doubt was dominant in the mind of the Chilean Government, it may almost be said that it felt certain that because Señor Tavira acted in opposition to his instructions, it was not to be expected that his Government would approve his conduct.

And, as if the recommendation, which I have pointed out, were not enough, Señor Covarrubias adds, "We would also direct your Excellency to take a similar step with regard to the Minister for Foreign Affairs, whose opinion upon the matter will have much weight in the mind of the Spanish Government; if this opinion harmonizes with ours, and is explicitly made known to the Cabinet of Madrid, our wishes upon this matter will be fulfilled."

It is in every way unnecessary for me to point out to your Excellency the melancholy reflections produced by those words which bear the signature of Señor Covarrubias, the Chilean Minister for Foreign Affairs. They cannot fail to carry to the mind of your Excellency, and of all who read them, the painful conviction that that Republic, aware that the arrangement agreed to with the Minister of Spain could not be sufficient for the demands of our dignity and honour, employed all the measures which your Excellency has seen to obtain an approval which it did not expect, and could not possibly expect.

The conduct of the Spanish Diplomatic Agent having been disapproved, and he recalled from his post, the determination of the Government of the Republic having been shown to give no satisfaction, however moderate that was which Spain demanded for so many and such repeated insults, it became a matter of obligation that Her Majesty's Government should commit the settlement of the affair to the chief of the naval forces in the Pacific, investing him with the necessary powers of a Plenipotentiary, so that he might enter into Conventions with Chile, and giving him instructions which are published in this day's "Gazette."

On reaching Valparaiso, Admiral Pareja sent to the Government of Chile a note dated the 17th September, in which, briefly recapitulating the principal offences which had been offered to us, he asked, as the sole reparation, that satisfactory explanations should be given to us upon each one of the points or causes of complaint, and that the Spanish flag should be saluted by one of the forts with twenty-one shots, which should be reciprocated immediately with an equal number in honour of the Chilean flag by one of the ships of the squadron. It seems impossible, but it is certain, that four days after, that is to say, on the 21st of September, Señor Covarrubias replied, decidedly refusing to give any sort of satisfaction, even that very moderate satisfaction demanded by Admiral Pareja. There could be no humiliation in giving a satisfactory reply to a nation which had not in any way offended the Republic, and there would be less in saluting the Spanish flag, when we had undertaken the condition of making a like salute to the Chilean flag.

No pecuniary indemnification was asked for, but in the sole event of the Government of Chile refusing, and its being necessary to employ force. Then, if this unfortunate event should occur, Admiral Pareja declared, he should look upon it as his duty to demand an indemnification for the losses suffered; "an indemnification," said the commander of the naval forces, in his note of the 17th September, "which the Government of Her Catholic Majesty, with a characteristic feeling of moderation, will not demand, unless in the extreme case of having to appeal to force, but to which it does not give up its right, as he considers it his duty to record in the most solemn manner."

The Government of the Republic, which had always rejected all agreement, now alleges, as a cause for its refusal, that this just demand was made to it in the presence of considerable forces, and with a term fixed for satisfying it. This is nothing but a mere pretext; its resolution had been taken, its past conduct proves it, and this was declared by Señor Covarrubias, when the Secretary of Legation was presented to him by Her Majesty's Minister as *Chargé d'Affaires*.

"The Government of Chile," said Señor Covarrubias, "when it signed with your Excellency the arrangement disapproved by the Spanish Government, did as much as was compatible with its dignity, more it could not, and cannot do." In corroboration of these words, the Government of that nation began to make its preparations from the 12th, that is to say, five days before the arrival of Admiral Pareja, sending infantry, troops, and several pieces of artillery to the port of Valparaiso, without knowing at that time in what terms or in what manner the Spanish Admiral would renew the unsatisfied demands of his Government.

On the other hand your Excellency will readily comprehend that no other action was left to the Chief of the Squadron and Spanish Plenipotentiary than that which he adopted in conformity with his instructions in sending his note of the 17th September.

Sixteen months had passed of continual fruitless negotiations, which had entirely worn out the discussion; the dignity of Spain had been trampled on, and all means then employed had been completely fruitless, having produced no other result than a humiliating settlement, so humiliating, that even the Government of Chile, doubting its being approved, had recourse, for the purpose of obtaining this approval, to the measure of asking for that influence which, in the mind of Her Majesty's Government, cannot but exercise its deference and consideration towards friendly and allied Governments.

Nevertheless its hope was vain; those Governments which were applied to did not take the smallest step in favour of the desires of Chile, no doubt thinking that the cause for the triumph of which such means were appealed to, could not be very just.

As I have already told your Excellency, the Minister of the Republic replied on the 21st September to the note of Admiral Pareja of the 17th, and the attentive reading of that reply will prove to your Excellency its firm determination to refuse all satisfaction to our just demands; it was the case that the full powers given to Admiral Pareja did not, however, confer upon him the diplomatic character necessary for entering into official relations with the Government of Chile; he did not express the reasons on which he relied for this opinion, but declaring that these circumstances might excuse him from making any reply, he was unwilling that this excuse should be interpreted as an evasive and dilatory step in these moments. On the contrary, he said that "he ardently desired to arrive as speedily as possible at a result which should place him in a clear and definite position;" which words, written in those serious moments, could admit of no other interpretation than a desire to bring matters to a state of war, and to a definite rupture.

Nor does he abandon even then his evasive and sarcastic subtleties. There could not have been, says he, any offence to the Spanish flag, which was insulted by the populace in the house of the Legation. The proof of this is, that offences to the flag of a nation which respects itself are so serious, that they render every sort of relation impossible between the offended and the offender; but it is the fact that Señor Tavira has continued his relations with Chile; that he has not withdrawn from the territory of the Republic; it is likewise the fact that the Queen of Spain has courteously addressed the President, informing him of the events, whether fortunate or otherwise, which have occurred in her Royal family; this, then, is the evident proof that there is no outrage; if there had been such it would not have been borne, and Chile would not have received such marks of consideration and esteem.

The patience, the moderation, the forbearance with which Spain has been negotiating a reparation during sixteen months, the fact of her not having resolved to appeal to extreme measures and break off her relations with Chile, by declaring war against it, these and no others, then, are the reasons which are now alleged for refusing an honourable satisfaction, and even for denying the existence of the offence.

Every sort of settlement being rejected by the Chilean Government, Admiral Pareja replied on the 22nd September, in the evening, intimating to him that in view of its refusal, if the Chilean Government did not by 6 o'clock in the morning of the 24th accede to his demands, he should be under the painful necessity of declaring Diplomatic relations broken off, and to have recourse to the force which was under his command. Señor Covarrubias replied immediately on the 23rd, in the evening, persisting in his refusal, and declaring that the smallest act of hostility which the squadron should make against the Republic would immediately produce a declared war between Chile and Spain.

The case of a rupture of hostilities had not arrived; Admiral Pareja confined himself to declaring a state of blockade and rupture of relations, a measure which although it may be looked upon as the commencement of war, yet which, as there are not wanting examples to show, both in Europe and America, might serve to establish a state of things wholly contrary. It is certain, that notwithstanding the declaration of blockade, the Congress and the Government of Chile replied by declaring war against Spain, and adopting all sorts of measures to bring it into effect by the most efficacious means. I cannot refrain from noticing in this despatch some of the observations which have been made by the foreign press upon the refusal of Admiral Pareja to admit the offer made to him by the foreign Diplomatic Body residing at Valparaiso, to employ their mediation for the settlement of the differences by pacific and honourable means. Nothing could be more unjust than to wish to make of this circumstance a charge against the Spanish Admiral. The Diplomatic Body, in fact, did not offer an official or non-official mediation to Admiral Pareja, but only deploring the imminent rupture between the two nations, it reminded him that by the very terms of his powers, or of his office of Plenipotentiary, he was bound to re-open the negotiations. This was a communication of the 22nd, on which day the note of the 21st, in reply to his of the 17th, was already in the hands of the Admiral, and in which the Chilean Government openly refused to give any sort of satisfactory explanation. In view of this decisive refusal, and in view, likewise, of the silence which the Diplomatic Body kept upon the views of the Chilean Government, towards which no similar course appears to have been taken, the Commandant of the forces in the Pacific could not, nor ought he to have departed from his instructions, exposing himself to another instance of disrespect from that Government which had shown itself so unaccommodating and so determined to refuse every sort of agreement.

This is not the right occasion to enter into a consideration of the conduct which the Diplomatic Body resident in Chile thought it expedient to maintain, but I cannot on my part, do otherwise than feel the conviction that if, immediately after the 12th of

September, when the disapproval of the settlement made by Señor Tavira, and the near arrival of the Spanish squadron were known in Santiago, or if between the 17th when Señor Pareja presented his note, and the 21st when the Chilean Government replied to it in such peremptory terms and refusing all satisfactory explanation, the Diplomatic Body had used with that Government all the influence and prestige their position gave them, to make it hear the voice of reason, and comprehend the expediency of not carrying the matter to the extreme of a rupture, it is probable, or at least possible, that the reply of the 21st September might not have been so decided nor so hostile, and that the door would have been left open for the realization of the desires which the foreign Diplomatic Body did not think it expedient to make known to the Chief of the squadron until twenty-four hours after the resolution of the Chilean Government.

I believe these explanations will be considered as ample enough, and as sufficient to prove the moderation with which we have acted in the course of the negotiations and of the incidents to which the conduct observed by Chile has given rise; a conduct founded on ill-will or upon unjust prejudices, the cause of which we cannot understand, in the case of a nation with which we have always endeavoured to maintain relations of the most cordial and sincere friendship; these explanations will prove to your Excellency that if things have got to the sad state in which they now are, it has been against the wish, and greatly to the regret of the Queen's Government.

Nor can the Cabinet of Madrid be accused of having failed to act with the utmost frankness. From the moment when, in disapproval of the conduct of Señor Tavira, it conferred full powers on Admiral Pareja, it hastened to communicate it to the Government to which you are accredited, through the Circular which it addressed to the Agents of Spain abroad, on the 7th of August, which your Excellency read and gave a copy to the Minister of Foreign Affairs there. In that communication it was stated that the instructions given to Admiral Pareja ordered him to use force against Chile, if she refused to give us due satisfaction. All the Governments to which those decisive declarations were communicated will not only recognize our right, but admit the moderation of our demands. Unfortunately, owing to the obstinate blindness of the Cabinet of Santiago, what we so explicitly announced then has now taken place. We are, therefore, safe from all imputation of want of consideration in our mode of proceeding; we are safe from all accusation of failing in candour and sincerity; lastly, we are free from all responsibility in the results which may follow from the consequences of an enmity as unjustifiable as it is inexplicable, and from an incomprehensible persistence in refusing every sort of agreement and conciliation.

The Queen's Government now reproduces the declarations which it made on the 7th August. Spain does not aspire to insensate conquests or acquisition of territory in America; she has no wish to exercise exclusive or preponderating influence in the American Republics which owe their origin to the ancient Spanish monarchy; she respects their independence and their autonomy, and she wants nothing in exchange but what she cannot relinquish, that is to say, that respect and consideration which is due from one civilized nation to another, and to be treated with the same respect as other foreign nations.

As to the Republic of Chile in particular, we have no sort of hostile or unfavourable prejudice against it, and as Her Majesty's Government is resolved not to allow her dignity, carelessly and gratuitously offended, to remain without the just satisfaction which is due to her, so likewise she is ready, when that object is attained, to renew her old relations of friendship, and to consign to oblivion the differences now separating the two nations.

Your Excellency is authorized to read this to the Minister for Foreign Affairs, and to leave a copy of it with him if he desires it.

(Signed)

M. BERMUDEZ DE CASTRO.

Inclosure in No. 28.

Señor de Castro to the Spanish Minister at Paris.

(Translation.)

Excellency,

San Ildefonso, November 23, 1865.

YOUR despatch of the 19th instant has reached my hands at this moment, and I hasten to reply to the same.

The circular which I address to your Excellency this day, and the printed documents which accompany this despatch, will give your Excellency an exact idea of the unfortunate affair of Chile. Nevertheless, I shall, so far as the brief time will allow me, speak at some length in reply to the arguments which Señor Rosales, the Chilean Minister

employed in the Conference which he had with your Excellency, and of which you give me an account in the communication to which I am replying.

Chile, with which we have always had the best relations, and to which we had never given the smallest motive of complaint, manifested an open hostility against us, at the time when those misunderstandings which are known to every one, and which are happily now settled and ended, broke out between Spain and Peru. Our flag raised at the Embassy was insulted in the presence and with the assent of the authorities of the Government, and of the armed force of Santiago; and a newspaper was published the sole object of which was to insult and calumniate Spain, her institutions, and the august person who occupies the Throne. The Government not only abstained from any act to prevent this, but did not even think proper to protest against it in the newspapers, nor in the Assembly, and in this way hardly disclaimed a complicity in this scandalous and insulting act. The enlistment of troops for Peru was permitted, we were refused leave to purchase coal, which was declared by a subsequent Decree to be contraband of war, while the French vessels at war with Mexican ports in the Pacific were allowed to get this fuel freely. There was no form, no measure, in fact, which the Chilean Government did not employ, to show us an hostility which nothing justified. The Memorandum addressed by Admiral Pareja, which your Excellency will find published in this day's "Gazette," may give you an idea of the insults and offences which were offered to us by that Republic.

From the 12th May, 1864, the remonstrances to the Government of Chile began; many were the notes which passed between Señor Tavira and the Minister for Foreign Affairs of Santiago. Finally, at the end of twelve months, on the 13th May, 1865, Her Majesty's Minister sent his last communication, which brought out the reply of Señor Covarrubias of the 16th of that month, and that of Señor Tavira of the 20th, in which he declared that in his opinion the reply of the Chilean Cabinet satisfied the complaints made by his Government.

Your Excellency will see by the accompanying circular that the Representative of Spain plainly departed from his instructions, and you will learn from the documents published in the "Gazette," the circumstances which attended his disobedience to the instructions of the 25th March, which were delivered to him on the 14th of May.

The despatch of Admiral Pareja of the 11th June, that of Señor Tavira of the 1st of that month, and the Royal Order which I addressed to him on the 24th July, will inform your Excellency in detail of all those events.

There was not, then, any probability that the Government of Chile should believe for a moment that such an agreement would be approved by the Queen's Government; and that such was, in fact, its opinion, is evidently proved by the communication of the Cabinet of Chile to its agents of the 1st of June, which I speak of in the circular, and which is also printed in the "Gazette" of this day.

In view of these facts and antecedents, I proposed to Her Majesty, as your Excellency is aware, the withdrawal of Señor Tavira, ordering him at the same time to come to this Court, in order to give an account of and to explain his conduct.

From that same moment, Señor Rosales and all the Governments of Europe might understand that the disagreement was total, and a rupture inevitable, unless Chile would immediately do us justice, and he might likewise understand that the whole discussion being exhausted in the multitude of notes written by Señor Tavira in the lapse of twelve months, there was no other choice left but to demand satisfaction within a brief and peremptory term. All dilatory negotiation was entirely useless; there was no other measure possible than the one adopted by Admiral Pareja. To enter anew into discussions which have lasted a year, without giving any other result than an arrangement sufficient, in the opinion of Señor Tavira, but insufficient and humiliating in the eyes of all the world, including the Spaniards residing in Chile, who were induced by their own interest not to create complications with the country they are living in, and where they have fixed their fortune and their property, to appeal to those same fruitless measures with a Government which had declared beforehand to Señor Tavira that it had done all that it could do, and that it could not and ought not to do more; to prolong indefinitely negotiations already too long, and in which the Government had given repeated proofs of moderation, calmness, and patience, was not only useless, as experience had shown it to be, but abasing and contrary to the dignity of the country.

A knowledge of this resolution was given without loss of time to all Cabinets of Europe and America, by means of the Circular of the 7th August, in which it was definitively declared that Admiral Pareja would use force to obtain satisfaction, a declaration which has given rise to no protest or any sort of remark on the part of the Governments to which it was communicated, which rather expressed a favourable opinion of the moderation of our demands, and of the right on our side.

Admiral Pareja arrived on the 17th at Valparaiso, alone, in the "Villa de Madrid," and not at the head of the squadron, as it has been reported; and he arrived on that day because he could not do it earlier, and not because he wished, as Señor Rosales says—bringing forward a statement made in Chile without ground or foundation—to appear there at the moment when they were celebrating the Anniversary of Independence, a statement which, even if it were demonstrated by established facts, would certainly not be worth the trouble of refutation. He presented his first note, demanding a reparation which could not be at all humiliating, because a promise was given that to the salute which was required of twenty-one guns to the Spanish flag, a reply would be immediately returned to the Chilean flag with an equal number; and because, likewise, no pecuniary indemnification was asked for, except in the sole and painful case of the breaking out of hostilities. If the term of four days was fixed for obtaining this reparation, it was the fault of the Chilean Government, which had refused it for twelve months, and which had declared to Señor Tavira, in the presence of the Secretary of Legation, the *Chargé d'Affaires*, *ad interim*, that it had already done all it could do in signing with the Minister of Spain, an agreement the disapproval of which it had feared from the first, and which it definitively knew from the 12th of that same month.

Admiral Pareja began, then, by negotiating from the only point on which it was possible for him to do it. He addressed his note on the 17th of September, recapitulating the causes of offence, he drew up the reparation which he demanded, certainly very moderate, in the most courteous terms; and, expressing the great regret which he felt at the state to which these misunderstandings had arrived, he fixed the term of four days for a reply. The answer of the Government of Chile could not be more decidedly in the negative. The note of Admiral Pareja was answered solely from a wish to come as speedily as possible to a clear and positive situation; everything in that communication displays, in a word, not the desire of coming to an agreement, nor the endeavour to open fresh negotiations, but the firm and decided intention of coming to a rupture, and a state of war.

The inference which it is attempted to draw against Admiral Pareja, and therefore against Her Majesty's Government, that he did not negotiate according to the terms indicated in his full powers as Plenipotentiary, has not the slightest foundation; such full powers never contain such instructions as a Government gives to its Agents to settle any given affair; it is the credential which serves to make his office known, and that he may be heard by the Government to which he is sent, but they never mention nor can mention the instructions which are to be the guide of his conduct, which are not and should not usually be public. The full powers issued in favour of Admiral Pareja are only a document drawn up in the same form as all the others of its class, authorizing and accrediting him to enable him to negotiate, but it does not impose upon him the form, the time, and the occasion in which he is to do this; these full powers have served him to commence the negotiation by addressing his note of the 17th of September; they will, perhaps, serve him by-and-bye, when, after obtaining the reparation which, we have a right to demand, peace may be made, and the settlement concluded.

Full powers as a Plenipotentiary, in a word, were necessary in every point; they contain all the general cases for which a Minister Plenipotentiary should be authorized, but they cannot be confounded with the instructions given by Governments to their Agents for certain given circumstances, such as the present, nor even for those ordinary cases of a permanent, friendly, and regular Mission.

The individuals constituting the Diplomatic Body resident at Santiago fell into this lamentable and strange error. Instead of using their good offices purely and simply, they addressed Admiral Pareja for the purpose of intimating to him or apprizing him of what his powers prescribed to him, mistakenly interpreting them as though they were his instructions, of which, at all events, no one could be a better judge than the Admiral himself; and when they again subsequently addressed the Spanish Plenipotentiary, neither did they do that in offer of their mediation and good offices, but for entering deeply into the question, judging it and characterizing it in a manner which seemed partial to Chile, and reproducing the protests which they had drawn up from the first day.

Far be from me the idea of censuring the conduct of the Diplomatic Body resident in Chile; yet I cannot but think that, no doubt with the best intentions, they took a step which was not the most adequate to attain the praiseworthy end that was contemplated. Wholly setting aside the terms in which the communications to Admiral Pareja were drawn up, and taking it for granted that their object was to offer their mediation or their good offices, it cannot but appear that they allowed the proper opportunity to pass when they sent their first communication on the 22nd, that is to say, twenty-four hours after Admiral Pareja had received the reply from Señor Covarrubias, in which every kind of

explanation was decisively and peremptorily refused. And yet subsequently, on the 24th, when the blockade was already declared, instead of offering those good offices and acting in the same way towards the Chilean Government, they occupy themselves almost exclusively with analyzing the notes which had passed between the Admiral and Señor Covarrubias, in a manner which, as I said before, appears partial and favourable to Chile, but which, at least, was not conducive to the noble object which they had in view.

The Diplomatic Body had abundant time to use their good offices. On the 12th September it was already known in Santiago that Her Majesty's Government disapproved the arrangement made by Señor Távira, and that the new Plenipotentiary was speedily to arrive with his squadron. The instructions given to him by Her Majesty's Government, anticipating that the Diplomatic Body would see him on his arrival at Valparaíso, ordered him to confer with them and to engage them, so far as their decorum would allow, to obtain a speedy and pacific settlement; but this anticipation was disappointed, because none of those individuals considered it expedient to meet Admiral Pareja on his arrival, nor during the four days which passed between the 17th and the 21st, the dates of the note and of the answer to it. If this had been done, or even if they had addressed him in writing, tendering their good offices at a proper time and occasion, that is to say, before the refusal of Chile on the 21st, I can confidently assure your Excellency that Admiral Pareja would have facilitated an agreement by all possible means, for such was his wish, and that of the Government likewise. Two favourable opportunities, then, were lost; the first on the arrival at Valparaíso, before sending the note of the 17th, the second before the receipt of the decided refusal of the Minister Señor Covarrubias. Everything that was done subsequently was necessarily too late and unseasonable, even saying nothing of the form and substance of the communications; from whence it may be plainly inferred that if the foreign Diplomatic Body, guided by so laudable a desire, had taken the advantage of those two favourable opportunities, it is very possible that they would have prevented the losses now suffered by commerce, which we are sincerely the first to deplore.

All these explanations, which are contained in the circular of this date, and the accompanying text of the documents published in the Gazette, will furnish your Excellency with sufficient data to re-establish the facts and to bring opinion to its true course, where it has been misled, whether by political causes or by injured material interests.

No one deplores more sincerely than Her Majesty's Government the losses which may be suffered by the subjects of the friendly and allied nations which have close commercial relations with Chile; an evident testimony for its solicitude in their favour is offered by the instructions given to Admiral Pareja in the case of hostilities breaking out; but, at the same time no one can ignore either the reason which is on our side, or that, when unfortunately events occur like that which now occupies us with that Republic, no Government can do more in respect of the damages which may arise to the commerce of foreign nations than lament them, and avoid them as far as may be possible.

We have repeated instances of blockades that have been continued for months and even for whole years, during which incalculable evils and damages have fallen upon commerce, and in the present case which cannot have taken any Government by surprise, I think that the measure adopted by Her Majesty's Government in taking this first step of a blockade rather than more serious hostilities, which would imply the destruction of property and the shedding of blood, will be one proof more of the moderation and the desire of peace and conciliation which has always guided and still guides the Cabinet of Madrid.

These considerations allow us to hope that the Governments whose subjects may suffer more directly in their interests from the paralyzation of commerce, persuaded of the justice and right on our side, will use their influence in Chile to the effect that the moderate satisfaction we require for such repeated offences may not be refused to us any longer, as being offered to a nation which has always looked upon her and treated her as a friendly and allied Power; and we have the more reason to expect this, inasmuch as that satisfaction has nothing in it dishonourable or humiliating.

I authorize your Excellency to read this despatch to the Minister for Foreign Affairs and to Señor Rosales, the Chilean Minister, in reply to the sensible observations he made to you in the conference alluded to by your Excellency in your communication of the 19th, to which I have had the honour of replying.

This I say to your Excellency by Royal order, for your information and for the purposes stated.

God preserve, &c.

c¹ (Sur op^l)

MANUEL BERNARDEZ DE CASTRO.

Acting Consul Tait to Earl Russell.—(Received November 29.)

My Lord,

Coquimbo, October 2, 1865.

I HAVE the honour to inform your Lordship that this port has been strictly blockaded since the 29th ultimo by the Spanish frigate "Berenguela." Ten days have been given to neutral vessels to clear out, either laden or in ballast.

The Commander of the frigate having informed the United States' Consul and myself that he would bombard the town if any shots were fired at his boats from on shore, and that one hour only would be allowed to the foreign residents and others to leave after a certain signal from the ship, we have considered it our duty to protest energetically in the name of our respective Governments against such short notice, and have requested the Commander to allow longer time in the event of such extreme measures being resorted to.

He has not yet had time to send an answer.

I have, &c.

(Signed) GEO. A. F. TAIT.

No. 30.

Mr. Thomson to Earl Russell.—(Received November 29.)

My Lord,

Santiago, October 8, 1865.

I HAVE the honour to transmit to your Lordship translation of an Edict issued yesterday by the President of the Republic, declaring thirty-eight of the minor ports and creeks of the Chilean coast, between the island of Chiloe and the northern frontier, to be ports of entry ("puertos mayores") open to foreign commerce, and that the merchandize imported or exported from those ports be free of duty, but for such a period of time as his Excellency may think fit. By this means the Government hopes to greatly diminish the losses which commerce is sustaining through the effective blockade established by Admiral Pareja at the three principal ports of Valparaiso, Coquimbo, and Caldera, but which he has not sufficient force at his command to extend beyond those ports.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure in No. 30.

(Translation.)

Edict of the President of the Republic of Chile declaring certain Minor Ports and Creeks to be Ports of Entry and Free of Duties.

THE Department of Finance has issued the following Declaration:—

Santiago, October 7, 1865.

Considering—

1. That the Commander-in-chief of the Spanish squadron in the Pacific has repeatedly declared that his aim is to damage as much as possible the Chilean commerce.

2. That it is the duty of the Government to prevent the realization of the enemy's plans.

3. That the blockade of no port can be recognized unless there be an effective and permanent force to impede mercantile traffic.

4. That the best way of diminishing the injuries of the present war consists in furnishing to industry and commerce all kinds of facilities in order that they may continue in their regular course, and not diminish the ~~comel~~ ^{comel} ~~ation~~ ^{ation}.

In virtue of the authorizations granted by the Laws also on 24th and 27th September last, I have resolved and decree—

Article 1. The following ports are declared ports of ^{aga} ~~eeve~~ ^{for} the importation and exportation of foreign commerce:—

In the Province of Chiloe—Chacao and Castro.

In the Province of Llanquihne—Meliprelli and Calbuco.
 In the Province of Valdivia—Rio Bueno.
 In the Province of Aranco—Carampanque and Lebu.
 In the Province of Concepcion—Colema, Lota, Lotilla, Penco, and Loiquen.
 In the Province of Maule—Curanisse and Buchupuros.
 In the Province of Colchaqua—Llico and Tuman.
 In the Province of Santiago—San Antonio and San Antonio de las Bodegas.
 In the Province of Valparaiso—Alganobo and San José.
 In the Province of Aconcagua—Zapallar, Papudo, Pichidanguí, and Vilos.
 In the Province of Coquimbo—Tongoy, Guayacan, Totorallillo, and Guanta.
 In the Province of Atacama—Carrizal Bajo, Larco, Peña Blanca, Famenco, Chañaral de las Animas, Taltal, Cobre, Paposo, Pan de Azúcar and Obispito.

Art. 2. All merchandize imported or exported by sea from the aforesaid ports, as also from those which the Customs Ordinances consider ports of entry, is declared to be free of duty.

Art. 3. All merchandize which henceforth may be imported or exported shall not be subject to any other Regulations than those which the Customs Ordinances impose upon national merchandize free of duty.

Art. 4. To export provisions which might serve for the consumption of the enemy's squadron, the Customs will exact a bond equivalent to the value of such provisions at market prices, guaranteeing that they shall be landed in a national or neutral port not occupied by the enemy's squadron. This bond will be cancelled on the presentation of a certificate of landing issued by the authorities of the respective port, and attested by the Chilean Consuls when the provisions are sent to a foreign market.

Art. 5. Regulations being required only for the purposes of the commercial statistics, the opening and examination of the packages will be dispensed with, the person interested presenting his bills of lading or invoices, and, should he not have those documents, a declaration of the contents of the said packages.

Art. 6. The head officers of the Custom-houses upon which the ports now declared ports of entry for foreign commerce were formerly dependent, will cause such employés to be sent to the said ports as they may consider necessary, so that there may be a regular and prompt dispatch.

Art. 7. The effects of this Decree will cease, entirely or in part, as soon as the President of the Republic may so declare.

Let this be observed, communicated, and published.

(Signed)

PEROZ.

ALEJANDRO REJES.

No. 31.

Mr. Thomson to Earl Russell.—(Received November 29.)

My Lord,

Santiago, October 13, 1865.

I HAVE the honour to transmit to your Lordship a copy of a letter addressed to me by the agent of the Panulcillo Mining Company (Limited), requesting my opinion on certain points connected with the blockade of the Chilean coast. From several other quarters I have been also asked to give my opinion for their guidance in supposed cases; and as I have replied to all those demands in nearly the same terms as is contained in my reply to the Panulcillo Company's agent, I beg leave to inclose for your Lordship's information a copy of my reply to that gentleman.

I have, &c.

(Signed)

WM. TAYLOUR THOMSON.

Inclosure 1 in No. 31.

Mr. Lewis to Mr. Thomson.

Sir,

Valparaiso, October 12, 1865.

I BEG to solicit your opinion on the following case:—

As agent in Chile of the Panulcillo Copper Company (Limited) of London, I am expecting supplies of various kinds of materials for the use of the Company's establishment at Panulcillo. The British ship "Marshal Pelissier," with a cargo deliverable in

Coquimbo, is now due. It is probable that the vessel on arrival may be notified of the blockade of the coast of Chile by some part of the squadron under orders of Admiral Pareja. It is possible, from measures I am taking, that the captain may avoid such a notification. Anyhow, it is a notorious fact that the blockade, as declared by Admiral Pareja, is most ineffective as regards the ports of Chile, with the exception of some few of the principal ones. I know from the agents of the Panulcillo Company on the coast that the port of Tongoy and other neighbouring ports are free from any blockading squadron. Such being the case, if the captain of the "Marshal Pelissier" takes his vessel to one of these ports, enters there without molestation of any kind, and proceeds with his discharge; and if while so doing the vessel be taken possession of by a Spanish cruiser not acting as a special blockader of that port, I desire to know if you will consider such a capture illegal, and are prepared to extend the protection of Great Britain to the captured vessel and cargo, both being British property.

Trusting you will excuse my troubling you thus, as my obligation, both to the owners of the vessel and to the Panulcillo Company demands my proceeding legally, without being deterred therefrom by illegal threats from Admiral Pareja, should you, in view of the facts, deem them to be so.

(Signed) **GEORGE LEWIS.**
Agent in Chile of the Panulcillo Copper Company, Limited.

Inclosure 2 in No. 31.

Mr. Thomson to Mr. Lewis.

Sir,

Santiago, October 13, 1865.

I HAVE received your letter of yesterday's date, and in reply have to state to you that, for reasons sufficiently obvious, it is impossible for me to give an opinion on supposed cases, my duty being to take cognizance only of such cases as have actually occurred, and the facts relating to which have been laid before me; I may, however, here state to you, that when the blockade of the Chilean coast was notified to me by Admiral Pareja, I then informed him that in my opinion the force at his disposal was insufficient to establish the blockade he had announced, and that I should communicate this opinion to Her Majesty's Government, which has been done. You will therefore perceive that it is only in the case of your vessel having been actually seized in an unblockaded port, and having the circumstances attending the seizure laid before me, that I should be in a position of determining the course to be adopted

I am, &c.
 (Signed) **WM. TAYLOUR THOMSON.**

No. 32.

Mr. Thomson to Earl Russell.—(Received November 29.)

My Lord,

Santiago, October 14, 1865.

IN my despatch of the 4th instant I reported to your Lordship the fears that were entertained at Valparaiso, and which were also participated by the President of the Republic, of its being the intention of Admiral Pareja to bombard a portion of the town of Valparaiso. I felt considerable doubt of its being really the intention of the Admiral to have recourse to so barbarous a measure, and considered that he had purposely circulated the report with the view of intimidating the Chilean Government and people, and stimulating the foreign population, who would be the principal sufferers, to use their influence with the Government in inducing it to grant the satisfaction he claimed; but having subsequently received from Her Majesty's Consul at Valparaiso a copy of a letter which Admiral Pareja had addressed to the Commander of Her Majesty's ship "Mutine," and of which Inclosure No. 1 is a copy, and the rumour of an approaching bombardment or partial bombardment continuing, I addressed the letter of which Inclosure No. 2 is a copy, to Admiral Pareja, in which I state to him that I feel assured, for the reasons I mention, and of which the principal one is that Valparaiso is an open and entirely defenceless town, that his allusion to "new acts of hostilities" against Chile cannot refer to a bombardment of the town. To this communication I received the reply of which Inclosure No. 3 is a copy and translation.

The menace conveyed in this letter is conveyed in such equivocal terms, that on

perusing it some may be of opinion that it is employed simply to intimidate, and not intended to be put in execution; but on receiving it I considered it to be my duty to make it known with the least possible delay to the British merchants of Valparaiso, and accordingly instructed Her Majesty's Consul to cause a copy of it to be affixed on the wall of the public room of the Exchange of Valparaiso, as appears in the Inclosure No. 4.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

Inclosure 1 in No. 32.

Admiral Pareja to Commander Blake.

(Translation.)

"Villa de Madrid," port of Valparaiso, October 2, 1865.

FROM your communication of yesterday's date I am made aware that the store "Habas," as also the effects contained in the store near to the Lighthouse of this port, belong to the British Government. Of any new hostility which I may see myself obliged to undertake against the Republic of Chile in compliance with the orders of my Government, and from which the interests of the British Government may run risk, I will advise you in anticipation, as I shall also do to all the Representatives of other neutral nations friendly to Spain, in order that their countrymen may as far as possible place their interests in safety.

I reiterate, &c.
(Signed) JOSE MANUEL PAREJA.

Inclosure 2 in No. 32.

Mr. Thomson to Admiral Pareja.

Sir,

Santiago, October 7, 1865.

I HAVE received a copy of a letter which your Excellency had addressed to Captain Blake, of Her Majesty's ship "Mutine," under date the 2nd of October.

In this communication your Excellency has stated that in the event of your having recourse to new acts of hostility against the Chilean Republic you would give previous notice of them, so that the interests of Her Majesty's Government and subjects, and those of other neutral Powers friendly with Spain, might take measures to have their properties placed in security.

When it is considered that in the Government stores of Valparaiso alone property to the amount of upwards of 30,000,000 dollars is deposited belonging entirely to neutrals, and that moreover the principal private stores, shops, and buildings attached to them are also the property of neutrals, I feel assured that the term "nueva hostilidad" employed by your Excellency in that communication cannot refer to a bombardment of the town. What I have just stated, and the absolute impossibility of such an amount of property being removed, and that neutrals and not the enemy would be the sufferers if the property were to be destroyed, is in itself strong assurance against the employment of such a measure. Moreover, in the often-repeated assurances given by your Excellency that in prosecuting hostilities against the enemy it would always be your endeavour to prejudice as little as possible neutral interests, and in the fact of Valparaiso being an open and defenceless town, from which even the few guns formerly mounted in the fort have been withdrawn to the interior, additional security is found that the acts of hostility referred to do not allude to a bombardment of the town.

As your Excellency is no doubt aware that the greatest part of the property I have referred to belongs to British subjects, whose interests it is my duty to watch over, I feel assured your Excellency will excuse the observations I have now taken the liberty to make.

I avail, &c.
(Signed) WM. TAYLOUR THOMSON.

*Inclosure 3 in No. 32.

Admiral Pareja to Mr. Thomson.

(Translation.)

Sir, "Villa de Madrid," Valparaiso, October 12, 1865.

THE official letter which you were pleased to address to me under date the 7th instant, has for its object, at the same time that you announce to me that you have received from the Commander of the "Mutine" a copy of what I had addressed to him, in reply to one of his of the 2nd instant, to state to me that you do not believe that a bombardment of the town of Valparaiso by the forces under my command will take place, as the greater part of the property which is there belongs to foreigners, adding that the greatest proportion of the commercial interests in the fiscal stores belongs to English subjects.

In reply, I have to state to you that, in the course of the hostilities between Spain and Chile, the Undersigned will only carry out that which his Government may require of him; and as the object of these hostilities is to cause as much injury as possible to Chile, until she is obliged to satisfy the honour of Spain, it is to be feared that, if the Government of Her Catholic Majesty does not obtain this satisfaction by means of the blockade, it may order me to adopt another class of hostilities, which probably, as is natural, will be directed against all that belongs to the Government of the Republic, in conformity with the rights of war, rights which, you comprehend, nothing ought to or can embarrass, when on the part of the belligerents, there is given to neutrals a term which may be considered adequate for them to remove their property from the Government buildings, which, according to those rights, may be attacked, so that it may not suffer detriment. I speak on hypothesis, but an hypothesis which may become a reality, as it is within the natural limits of the rights of belligerents, rights which, on the other hand, if in executing them it may be necessary to do so in a manner so that neutral interests may not suffer, cannot be avoided if neutrals on their part, after due notice given in anticipation, do not endeavour to secure them, and by this omission embarrass the action of the belligerents.

I repeat that I speak hypothetically, because the only mission which I hold is to carry out the orders of my Government; it is within the sphere of possibilities that these orders, as I have already said, may be to attack everything which belongs to Chile. Thus your good judgment will calculate that, having on my part presented the possibility of future events, and of events natural and legitimate in the course of a war, it is convenient for the interests of all neutrals, as a measure of precaution, to take all the measures which may conduce to their security.

From all what has been said you will, I trust, comprehend that the object of this reply to your official letter of the 7th instant is to invite the attention of foreign merchants, in order that they may, in time, take measures to secure themselves against all damage in the course of the hostilities between my country and Chile; and repeating to you what I have already on various occasions expressed, and that is, that these hostilities upon the part of my Government are intended to compel Chile to give the satisfaction they owe, and that to obtain this it will employ all the means it may deem necessary against every thing which may belong to the Republic.

I take, &c.

(Signed) JOSE MANUEL PAREJA.

Inclosure 4 in No. 32.

Mr. Thomson to Consul Rouse.

Sir, Santiago, October 14, 1865.

I TRANSMIT to you herewith the copy of a despatch which I have received from Admiral Pareja this morning, and I have to request that you will, without delay, cause it to be placed, in my name, and as a notification, in the public room of the Exchange, so that it may come to the knowledge of all British subjects residing in Valparaiso. You will offer no observations as regards this document.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Mr. Thomson to Earl Russell.—(Received November 29.)

My Lord,

Santiago, October 14, 1865.

IMPRESSED with the very exceptional nature of the warfare which is being carried on between Spain and Chile, where the one belligerent can only attack by sea, and the other can only act offensively on land; where the effects of this war are felt almost entirely by neutrals; where it is impossible to calculate the length of time to which a war carried on in this manner may be protracted; where the aim of the war, it would appear, is at the present moment, merely that Spain shall obtain from Chile a salute to her flag, and so incommensurate to the losses it is causing, and likely to cause to the neutral commerce of the water; I called on the 12th instant on the Chilean Minister for Foreign Affairs, in the hope of being able to induce him to accept a plan, by which I proposed that negotiations should be opened between the Spanish Admiral and the Chilean Government for the settlement of their differences. I had some reason to believe that Chile would be willing to adopt any means by which, if her dignity could be saved, a peace could be re-established, and I had also some reason to believe that Admiral Pareja had become sensible that he had fallen into a mistake in supposing that by assuming an overbearing attitude, he would intimidate Chile into an immediate acceptance of his demands. Having these impressions I proposed as the difficulty to be encountered would be to prevent the supposition by either party that it had taken the first step, that a Spanish gentleman, in whose judgment, as well as in whose sincere desire to see peace restored I felt confidence, and to whose opinion I also believed the Admiral and other officers of the Spanish squadron would attach weight, should be allowed by the Chilean Government to proceed on board the Admiral's ship, and endeavour to induce him to consent to a private interview with an influential Chilean gentleman, with the object to open a negotiation.

The Chilean Minister thanked me in his own name and that of his Government for the suggestion I had offered, but stated it was impossible for them to adopt it, from the circumstance of their having already issued the most stringent orders, that Spaniards were not to be allowed to approach under any pretext or to embark in any of the ports, and that if this Spanish gentleman were allowed to do so, it would be at once known that Chile had taken the initiative, a step to which neither his Government nor the country could ever submit.

The proposition having fallen to the ground, the Diplomatic Body has since held a meeting with the object of pressing upon the belligerents the acceptance of a settlement by arbitration. This meeting, however, separated without coming to an agreement on the subject, but it is probable that in a few days another will be held, and with a better result.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

No. 34.

Mr. Thomson to Earl Russell.—(Received November 29.)

(Extract.)

Santiago, October 16, 1865.

I WOULD beg to draw your Lordship's attention to the circumstance that Admiral Pareja has announced that the Prize Court is held on board his ship the "Villa de Madrid," and under his presidency, by which arrangement the Captain appears in the double character of an interested party and at the same time a judge of the case in which he is to benefit. Feeling that such an arrangement must be contrary to law and equity, it is my intention to remonstrate, if the opportunity should offer, against the decision of a Court so constituted, unless I should learn, before the occasion for doing so should occur, from your Lordship that it is conformable to the usage of Prize Courts to do so.

No. 35.

Mr. Thomson to Earl Russell.—(Received November 29.)

My Lord,

Santiago, October 17, 1865.

I HAVE the honour to transmit to your Lordship a copy of the note which the Diplomatic Corps residing at Santiago has addressed this day to the Chilean Government

and to Admiral Pareja, proposing to them the adjustment of their differences by means of an arbitration, and that until the Convention naming the arbiter has been concluded a suspension of hostilities be agreed on.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

Inclosure in No. 35.

*The Diplomatic Corps to Señor Covarrubias.**

Santiago, le 17 Octobre, 1865.

LES Soussignés, Membres du Corps Diplomatique résidant à Santiago, convaincus que l'état de guerre entre le Chile et l'Espagne cause les préjudices les plus graves au commerce de leurs pays respectifs et le menace d'une ruine prochaine s'il continue, croient de leur devoir de faire une tentative pour amener une suspension des hostilités et à sa suite le rétablissement de la paix entre les Gouvernements de la République et de Sa Majesté Catholique. Ils ont l'honneur d'adresser à cette fin à son Excellence M. le Ministre des Relations Extérieures la proposition suivante :—

Les deux nations se font la guerre non pour s'assurer des avantages matériels, mais pour résoudre une question d'honneur. La décision de différends de cette nature peut se soumettre, et se soumet ordinairement, à un arbitrage ; et les Soussignés se permettent de proposer à son Excellence l'adoption de ce moyen pacifique pour terminer de regrettables dissensions. Si, comme ils osent l'espérer, son Excellence y consent, et si M. l'Amiral de Sa Majesté Catholique, auquel ils adressent la même proposition, y accède également, les deux parties belligérantes pourraient convenir d'un armistice en attendant qu'elles aient conclu une Convention en vue de la désignation d'un arbitre.

Les Soussignés s'estimeraient heureux si la démarche qu'ils se permettent de faire pouvait contribuer à rétablir la bonne intelligence entre deux Puissances également liées d'amitié avec leurs Gouvernements respectifs.

Les Soussignés, &c.

(Translation.)

Santiago, October 17, 1865.

THE Undersigned, members of the Diplomatic Body resident at Santiago, being convinced that the war existing between Chile and Spain is the cause of the gravest injury to the commerce of their respective countries, and threatens it with a speedy ruin by its continuance, consider it their duty to make an attempt to bring about a suspension of hostilities, (to be followed) by the re-establishment of peace between the Governments of the Republic and of Her Catholic Majesty. To this end they have the honour to address the following proposition to his Excellency the Minister for Foreign Affairs.

The two countries are at war, not with a view to any material advantages, but to settle a point of honour. The decision in differences of this nature can be and are generally submitted to arbitration ; and the Undersigned permit themselves to propose to his Excellency the adoption of this pacific means in order to terminate dissensions which are much to be regretted. If, as they venture to hope, his Excellency consents to this, and Her Catholic Majesty's Admiral also accedes to it, the two belligerent parties could agree on an armistice pending the conclusion of a Convention for the purpose of nominating an arbiter.

The Undersigned would be glad if the step which they have ventured to take should tend to re-establish a good understanding between two Powers equally bound by friendly relations with their respective Governments.

The Undersigned, &c.

No. 36.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, November 29, 1865.

I TRANSMIT to you herewith, for your information, a copy of a despatch from Her Majesty's Acting Consul at Coquimbo,† reporting the blockade of that port by a

* A similar note was addressed to Admiral Pareja.

† No. 29.

Spanish frigate, and the threatened bombardment of the town, and I have to instruct you to call the special attention of the Spanish Government to the proceedings of the captain of the "Berenguela," which if persisted in or imitated by other Spanish naval officers, will lead to a state of things which Her Majesty's Government will greatly regret.

I am, &c.

(Signed) CLARENDON.

No. 37.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, November 29, 1865.

I INFERRED from the tenour of the language held to me this morning by the Spanish Minister, that his Government had rather misapprehended the purport of the communication which I had instructed you to make to them with the view of inducing them to send orders to Admiral Pareja by the mail of the 1st of December, to suspend hostilities. The Spanish Government seemed, according to what the Marquis de Molins said to me, to be under the impression that the proposition was only addressed to them, and that it would be represented in Chile that the overture for a suspension of hostilities originated with them, and that Chile was only called upon to respond to it.

Such, however, was far from being the case. The purport of our request was, indeed, that such instructions should be sent to the Spanish Admiral; but our intention was if that request should be acceded to, to instruct Her Majesty's Chargé d'Affaires in Chile to make a similar request to the Chilean Government; and the object that we had in view was that the Spanish Government should authorize Admiral Pareja, on receiving from the Representatives of England and France an assurance that the Chilean Government was, on its side, ready to agree to a suspension of hostilities, to agree to such a measure on behalf of Spain, so that an opportunity might be afforded for the arrival of instructions, in pursuance of which it was hoped that an amicable arrangement of the differences between the two countries might be effected under the mediation of England and France.

Of course it must depend on the French Government, with whom Her Majesty's Chargé d'Affaires at Paris will be instructed to communicate, whether the French Chargé d'Affaires in Chile will be able to associate himself with Her Majesty's Chargé d'Affaires in giving the required assurance to the Spanish Admiral.

I am, &c.

(Signed) CLARENDON.

No. 38.

The Earl of Clarendon to Lord Napier.

My Lord,

Foreign Office, November 29, 1865.

I HAVE received this morning your telegram of yesterday, stating the wish of M. Bismarck to be apprized of the steps which Her Majesty's Government are taking with reference to the hostilities that have broken out between Spain and Chile.

The despatches to Sir John Crampton and to Her Majesty's Chargé d'Affaires in Chile, of which copies are inclosed,* and the substance of which you may communicate to M. de Bismarck, will afford him the information he desires. But your Excellency may add that the suggestions offered at Madrid on the part of England and France have been favourably received, and there is good reason to hope that the mediation of the Two Powers will be accepted by Spain, subject of course to the condition that it is equally accepted by the Government of Chile.

Her Majesty's Government are now engaged in considering with that of France the basis on which the Spanish Government may be recommended to agree to a restoration of peace, but as this cannot be arranged before the departure of the mail on the 1st of December, Her Majesty's Government, in which they will doubtless be joined by the Government of France, have instructed Her Majesty's Minister at Madrid to urge the Spanish Government to send by this mail authority to the Spanish Admiral to agree to an armistice, if assured beforehand by the French and English Representatives at Santiago.

* Nos. 13, 16, 17, 21, 23, and 25.

that the Chilean Government will also agree to it, so that hostilities may be suspended, and time obtained for further negotiation.

Your Lordship will express to M. de Bismarck the satisfaction with which Her Majesty's Government have received your Report of his disposition to act in concert with him in respect to this matter.

I am, &c.
(Signed) CLARENDON.

No. 39.

Sir J. Crampton to the Earl of Clarendon.—(Received November 30.)

My Lord,

Madrid, November 25, 1865.

I HAVE the honour to inclose the copy of a note which, in conformity with the instructions contained in your Lordship's despatch of the 22nd instant, I have addressed to the Spanish Minister for Foreign Affairs, communicating to his Excellency the representations addressed to Her Majesty's Government by influential commercial bodies in England, in regard to the state of war between Spain and Chile; and expressing a hope on the part of Her Majesty's Government that the considerations therein set forth may have weight with the Spanish Government, and contribute to an amicable arrangement of their differences with the Republic of Chile.

I have, &c.
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 39.

Sir J. Crampton to Señor de Castro.

M. le Ministre,

Madrid, November 25, 1865.

WITH reference to the communication which I had the honour to make on the 21st instant to his Excellency the President of the Council, verbally, upon the subject of the rupture between the Governments of Spain and of Chile, I am now instructed to communicate to Her Majesty's Government copies of two representations which have been addressed to Her Majesty's Government by commercial bodies in England in respect to the injurious consequences which they apprehend must result to their interests from the state of war now existing between Spain and Chile, and from its probable consequences.

Her Majesty's Government would express the hope that the considerations therein set forth will not be without weight in view of the disposition which Her Majesty's Government do not doubt exists on the part of Her Catholic Majesty's Government towards an honourable and amicable settlement of their differences with the Republic of Chile.

I avail, &c.
(Signed) JOHN F. CRAMPTON.

No. 40.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, November 30, 1860.

IN the interval that has elapsed since the departure of the last mail, Her Majesty's Government have been in constant communication with the Governments of France and Spain, with the former to secure its co-operation at Madrid, and with the latter to engage it to adopt moderate counsels in the dispute with Chile, and to accept the good offices of England and France with a view to the establishment of friendly relations with that Republic.

The despatches, of which I inclose copies for your own information,* and for the guidance of your language, but not for communication, will put you fully in possession of what has passed.

The French Government have most cordially agreed with that of Her Majesty in the

* Nos. 16, 17, 21, 25, 26, 27, 37, and 38.

language to be used by their respective Ambassadors at Madrid, and there is good reason to expect that the Spanish Government will avail itself of our proffered good offices.

You will also observe the language that I have held to the Chilean Minister in this country; and I cannot doubt that the Government of the Republic will be equally well disposed.

The matters in dispute between the two Governments seem to be peculiarly fitted for the friendly interposition of other Powers, to bring about a reconciliation between the parties who are at variance with each other.

Time has not admitted of any understanding being arrived at with the Court of Spain as to the terms which would be acceptable to the Spanish Government; but Her Majesty's Government, and that of France, have felt so deeply the importance of putting an immediate stop to the prosecution of active hostilities, that they have invited the Spanish Government to authorize at once the Spanish Admiral to agree to suspend hostilities, on learning from you and your French colleague that the Chilean Government are willing to do so likewise.

I hope before the departure of the mail to receive from Madrid a definite answer on this point.

But however that may be, you will make known to the Chilean Minister, and, if possible, to the Spanish Admiral, the steps which are being taken by the Government of England and France to induce the Spanish Government to accept the good offices of the two Powers, and to authorize the suspension of hostilities in order to allow time for such good offices; and you will use your best endeavours, always in concert with your French colleague if, as I doubt not, he should receive corresponding instructions by this present mail, to induce the Chilean Government and the Spanish Admiral, even in anticipation of his instructions, to agree at once to suspend hostilities; so that the blockade of the ports of Chile being on the one hand raised, and the measures of retaliation on the part of the Republic on the other hand suspended, there may be a better chance for a successful issue of the contemplated interposition of the good offices of England and France than there would be if the feelings on both sides should be still further exasperated by mutual injuries and losses in war.

I have merely desired you in this despatch to act in strict concert with your French colleague, as it is only with the French Government that Her Majesty's Government have been in communication with a view to common action both in Spain and in Chile; but you will avail yourself of any assistance which the Representatives of other Powers at Santiago may be willing to render towards the bringing about a result in which the interests of the countries by whom they are accredited are as much involved as those of England and France.

I am, &c.
(Signed) CLARENDON.

No. 41.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, November 30, 1865.

I HAVE received your despatch of the 14th ultimo, inclosing a copy of your correspondence with Admiral Pareja in regard to his supposed intention of bombarding a portion of the town of Valparaiso, and I have to acquaint you that Her Majesty's Government approve the note you addressed to Admiral Pareja as well as your further proceedings upon this subject.

I am, &c.
(Signed) CLARENDON.

No. 42.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, November 30, 1865.

I HAVE to acquaint you that Her Majesty's Government approve your proceedings and the language you held as reported in your despatch of the 14th ultimo, in the interview you had with the Chilean Minister for Foreign Affairs.

I am, &c.
(Signed) CLARENDON.

No. 43.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, November 30, 1865.

I HAVE received your despatch of the 17th ultimo, inclosing a copy of a note which the Diplomatic Body addressed to the Chilean Government and to Admiral Pareja, proposing that the quarrel between Spain and Chile should be referred to arbitration, and that hostilities should be suspended pending the nomination of an arbiter.

I have to state to you that Her Majesty's Government approve your proceedings in this matter, and have learnt with satisfaction the steps taken by the Diplomatic Body with a view to bring about a settlement of the differences between Spain and Chile.

I am, &c.

(Signed) CLARENDON.

No. 44.

The Earl of Clarendon to Mr. Grey.

Sir,

Foreign Office, November 30, 1865.

I INCLOSE for your information a copy of a despatch which I have addressed to Her Majesty's Chargé d'Affaires in Chile,* to be dispatched by the mail of to-morrow, instructing him in the course he should pursue, in concert with his French colleague, to bring about a suspension of hostilities between the Spanish and Chilean authorities.

I have to instruct you to communicate a copy of this despatch to M. Drouyn de Lhuys.

I am, &c.

(Signed) CLARENDON

No. 45.

Sir J. Crampton to the Earl of Clarendon.—(Received December 1.)

My Lord,

Madrid, November 27, 1865.

WITH reference to that part of your Lordship's instructions of the 17th instant to Her Majesty's Chargé d'Affaires at Santiago (a copy of which was inclosed in your Lordship's despatch to me dated the 18th instant), which directs Mr. Thomson to endeavour to make an arrangement with Admiral Pareja, by which mail steamers should be allowed to carry letters to the different ports of Chile, I have to inform your Lordship that I brought this matter under the consideration of the Spanish Government, and that I have been informed by Señor Bermudez de Castro (who returned to Madrid for a few hours yesterday), that orders had been already sent for the free passage of the mail-packets in question to and from the ports of Chile.

His Excellency, however, remarked that he had learnt with surprise that the British Mail-packet Company had nevertheless declared that they would not take charge of any Spanish correspondence with those ports.

Señor Bermudez de Castro added, that the permission for the free passage of the mail-packets had been given, and would not be withdrawn, but that the exception thus taken against Spanish correspondence appeared to him so unreasonable, that he hoped Her Majesty's Government would use such control as they might possess over the mail service in question, with a view to the withdrawal of this decision of the Mail-packet Company.

I have, &c.

(Signed) JOHN F. CRAMPTON.

No. 45*.

Mr. Grey to the Earl of Clarendon.—(Received December 1.)

(Extract.)

Paris, November 30, 1865.

M. DROUYN DE LHUYS has not only telegraphed to the French Representatives in London and Madrid, but has also written to the French Agent in Chile to instruct him to support any step taken in a friendly sense to induce the two contending parties to agree to a suspension of hostilities.

Mr. Grey to the Earl of Clarendon.—(Received December 1.)

My Lord,

Paris, November 30, 1865.

M. DROUYN DE LHUYS informed me to-day that he had taken advantage of the receipt of a despatch from the French Representative in Chile, dated the 17th ultimo, inclosing a copy of the collective note addressed by the Corps Diplomatique to the Chilean Minister for Foreign Affairs and Admiral Pareja, to write another despatch dated this day, urging a suspension of hostilities.

His Excellency said he highly approved of the terms of the note above mentioned, and on the whole he said he augured favourably for the re-establishment of peace, after reading the reports he had received. He trusted, however, that matters might not be precipitated by any new "incident," such as an attack upon the Spanish squadron by the Peruvian squadron in conjunction with the Chileans.

M. Drouyn de Lhuys further said that he had spoken to the Spanish Ambassador at this Court, pressing him also to recommend a suspension of hostilities. But the Marquis de Lema seems to have answered that he did not think his Government would consent to it, as such suspension would be entirely one-sided, the Chileans having no fleet or means of attacking the Spanish force.

I have, &c.

(Signed) W. G. GREY.

No. 47.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, December 1, 1865.

THE Chilean Minister called upon me yesterday, and I informed him of the steps taken to induce the Spanish Government to avail itself of the mediation of England and France, and to direct Admiral Pareja to suspend hostilities upon his receiving an assurance from the British and French Representatives at Santiago that the Government of Chile had agreed to adopt a similar course, and until the arrival of instructions from the English and French Governments.

In answer to an inquiry from me, M. Carvallo again said that although he had no authority to give me an assurance, yet that he felt positive as to mediation being willingly accepted by his Government, but he wished to know what terms would be proposed to Chile.

I informed him that the terms had not yet been agreed upon by Her Majesty's Government and that of the Emperor of the French, but that I did not doubt that reparation to Spain, in some form or other, would be proposed to Chile.

M. Carvallo said that no offence having been given no reparation was required.

I replied that Spain, on the other hand, declared that offence had been given, and that no sufficient reparation had been offered, and that if each party insisted upon being entirely in the right and would make no concession, any attempt to mediate between them would be useless.

I requested him to inform his Government that by the next packet instructions would be sent to the Representatives of England and France, which it was hoped might lead to a termination of the differences in a manner favourable to both Powers, and that in the meanwhile it was our earnest wish that a suspension of hostilities should be agreed upon.

I am, &c.

(Signed) CLARENDON.

No. 48.

The Earl of Clarendon to Mr. Thomson.

(Extract.)

Foreign Office, December 1, 1865.

THERE is one point on which Her Majesty's Minister at Madrid will be instructed to communicate with the Spanish Government with a view to immediate instructions being

sent to Admiral Pareja, namely, the announcement made by the Admiral "that the Prize Court is held on board his ship, the "Villa de Madrid," and under his presidency."

Such a course of proceeding is novel, inadmissible and contrary to the principles of international law, which regulate the reciprocal rights and duties of belligerents and neutrals in maritime war. The neutral has a right to be tried before a properly constituted Court in the country of the captor, with all the forms as well as the substance of justice. He has a right to agents, counsel, a proper forum and a proper appellate tribunal. The deck of an Admiral's blockading ship contains none of these indispensable requisitions of international justice, upon the presumption of supplying which the right of the belligerent to detain a neutral vessel on the high seas is founded.

I cannot doubt that the Spanish Government, on being informed of the course which Admiral Pareja has announced his intention to pursue, will at once instruct him to proceed in a manner conformable with the law of nations, but if you should have an opportunity of doing so, you might mention to the Admiral the objections entertained to his proceeding, and inform him that Her Majesty's Government were in communication with the Spanish Government on the subject.

No. 49.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, December 1, 1865.

I HAVE received your despatch of the 13th of October, inclosing a copy of a letter from the Agent of the Panulcillo Mining Company, requesting to be informed in regard to certain matters connected with the blockade of the ports of Chile declared by the Spanish Admiral.

You were quite right in declining to give an opinion on hypothetical cases.

I have now to instruct you to state to British subjects who may address to you similar applications, that you have no power to protect British vessels from the penal consequences of breaking the blockade; and that, although it is true that the blockade is illegal, unless it is supported by an adequate force, the question whether the force is adequate is one which, according to English precedents, is cognizable by the Prize Court, subject, of course, to the interference of Her Majesty's Government if that Court should not administer justice, either as to the facts of the case before it, or as to the law applicable to the case.

I am, &c.
(Signed) CLARENDON.

No. 50.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, December 1, 1865.

I AM informed by Her Majesty's Chargé d'Affaires at Paris that the French Chargé d'Affaires at Santiago has been authorized by M. Drouyn de Lhuys to support any proposal that may be made in a friendly manner with the view of obtaining from the belligerents a suspension of hostilities.

I am, &c.
(Signed) CLARENDON.

No. 51.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, December 1, 1865.

I HAVE seen the Spanish Minister to-day, who told me that, by order of his Government, he would write by this mail to Admiral Pareja, that if Chile asked for a suspension of hostilities in order to negotiate, it was to be granted, unless it appeared to be a stratagem ("ardid") with some object prejudicial to Spain.

I told M. de Molins that the Chilean Government would probably not ask for a

suspension of hostilities, but that the object would be obtained if Admiral Pareja received from the Representatives of England and France an assurance that it would be agreed to by the Chilean Government.

I am, &c.
(Signed) CLARENDON.

No. 52.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, December 1, 1865.

SINCE my despatch of the 1st instant, the Spanish Minister has again called here, and read to me a telegram from his Government, which is to the following effect :—

“If Lord Clarendon instructs the British Minister in Chile to influence and advise the Chilean Government to give the reparation that Spain demands, the reparation would be reduced to a satisfaction in writing for the offences, and a salute to the Spanish flag, Spain renouncing pecuniary indemnity for the past, but reserving the rights of Spain for prizes that may have been made by privateers, or any other damage done since the declaration of war.”

If this is agreed to by Her Majesty's Government, M. de Molins is to authorize Admiral Pareja to suspend hostilities, but leaving him at liberty to act according to the circumstances of the moment, and only in the case of the English and French Representatives assuring him that Chile agrees. The Spanish Government can agree to nothing else, because the suspension of hostilities on the part of Admiral Pareja would be immediate and effective, while Chile has nothing to suspend, as she has no means of carrying on aggression; her only means of aggression are by privateers, and orders cannot be sent to them to desist from their occupation until peace has been definitively concluded.

There would consequently be no reciprocity, and Chile might gain time, without any advantage to Spain.

I did not disguise from M. de Molins the regret with which I had listened to this communication, as it seemed to me that the Spanish Government desired to make our offer of mediation instrumental to obtain for them from Chile the reparation in its fullest extent which they had not been able to procure from themselves, and that, unless Spain was prepared to make some concession, the good offices of England and France would be useless.

M. de Molins denied this, and said that his Government would be satisfied with Chile firing the first gun of the salute, which would be at once returned by the Spanish ship of war, and that the salute would then proceed simultaneously.

I have, &c.
(Signed) CLARENDON.

No. 53.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, December 1, 1865.

THE attention of Her Majesty's Government has been attracted by a paragraph which appeared in the “Times” newspaper of the 29th of November, purporting to contain intelligence from Madrid that the Spanish Minister of Marine had issued a circular ordering the Commanders of Spanish ships of war to treat as pirates all vessels of which the Captain, the officers, and the majority of the crew are not Chileans, or who may not have received their commissions direct from the Chilean Government.

Although Her Majesty's Government had not received from Her Majesty's Minister at Madrid any notice of such a circular having been issued, yet considering the report in connection with the terms of the 9th Article of the Instructions for cruizers issued by Admiral Pareja, it seemed impossible to overlook the matter, and I accordingly consulted the Crown Lawyers as to the bearing of international law on both of these instructions.

Her Majesty's Government are advised that both instructions are inconsistent with the law of nations, which has never regarded as piracy the enlistment of the subjects of one nation in the war service of another, and which draws no distinction between commissions given direct by a belligerent Government and commissions given by persons acting by its authority as its agents for that purpose.

It is desirable that you should take steps for communicating on this matter with the Spanish Admiral, whom you will also inform that Her Majesty's Minister at Madrid will be directed to call the attention of the Spanish Government to it, and to intimate that foreign Governments, any of whose subjects may under these instructions be proceeded against as pirates, cannot be expected to acquiesce in them.

I am, &c.
(Signed) CLARENDON.

No. 54.

The Earl of Clarendon to Sir J. Crampton.

(Extract.)

Foreign Office, December 1, 1865.

MR. THOMSON says, "Admiral Pareja has announced that the Prize Court is held on board his ship the 'Villa de Madrid,' and under his presidency."

Such a proceeding is novel, inadmissible, and contrary to the principles of international law which regulate the reciprocal rights and duties of belligerents and neutrals in maritime war.

The neutral has a right to be tried before a properly constituted Court in the country of the captor, with all the forms as well as the substance of justice. He has a right to agents, counsel, a proper forum and a proper appellate tribunal. The deck of the Admiral's blockading ship contains none of these indispensable requisites of international justice, upon the presumption of supplying which the belligerent's right to detain a neutral vessel on the high seas is founded.

Her Majesty's Government cannot doubt that the Spanish Government will send immediate orders to Admiral Pareja to desist from the course which he has announced his intention of adopting in this respect.

Since writing the above I have seen the Spanish Minister, and have spoken to him in the sense of this despatch, adding that Admiral Pareja, not only by the establishment of a Prize Court on board his own ship, but by his declaration that the whole coast of Chile, comprising thirty degrees of latitude, was blockaded by the six or seven ships under his command, and (if I was rightly informed) that such neutral ships as had visited any of the forty unblockaded ports would be treated as if they had broken the blockade, was attempting to establish a system of international law against which all maritime Powers were bound to protest; and I expressed my hope that such instructions would be sent to the Admiral as would render unnecessary any further communications from Her Majesty's Government upon the subject.

No. 55.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, December 1, 1865.

THE attention of Her Majesty's Government has been attracted by a paragraph which appeared in the "Times" newspaper of the 29th of November, purporting to contain intelligence from Madrid, that the Spanish Minister of Marine had issued a circular ordering the Commanders of Spanish ships of war to treat as pirates all vessels of which the Captain, the officers, and the majority of the crew are not Chileans, or who may not have received their commissions direct from the Chilean Government.

Although Her Majesty's Government had not received from you any notice of such a circular having been issued, yet considering the report in connection with the terms of the 9th Article of the Instructions for Cruizers issued by Admiral Pareja, it seemed impossible to overlook the matter, and I accordingly consulted the Crown Lawyer as to the bearing of international law on both of these instructions.

Her Majesty's Government are advised that both these instructions are inconsistent with the law of nations, which has never regarded as piracy the enlistment of the subjects of one nation in the war service of another, and which draws no distinction between commissions given direct by a belligerent Government, and commissions given by persons acting by its authority as its agents for that purpose.

I have to instruct you to communicate with the Spanish Government on this subject. Even if such a circular as is reported has not been issued by the Spanish Minister of Marine, the instructions of Admiral Pareja prescribe the treatment as pirates of privateers

not duly provided with papers, and not manned in a specified way; and you will intimate to the Spanish Government that foreign Governments, any of whose subjects may, under these instructions, be proceeded against as pirates, cannot be expected to acquiesce in them.

I am, &c.
(Signed) CLARENDON.

No. 56.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, December 2, 1865.

MARSHAL O'DONNELL in a conversation in which a detailed report is given in your despatch of the 23rd of November, stated that if I would indicate such terms of satisfaction as might in the opinion of Her Majesty's Government be accepted by Spain in her difference with Chile, with a due regard to her national dignity and honour, my suggestions would be taken into serious consideration by the Spanish Government with every wish to arrive at a peaceable solution of the quarrel.

I have learned with satisfaction that a similar communication was made by the Marshal to the French Ambassador.

Her Majesty's Government have accordingly fully considered all the circumstances of the case as set forth in the documents published by the Spanish Government, and in the reports received from Her Majesty's Chargé d'Affaires at Santiago; and having exchanged opinions with the French Government, and as the result of our deliberations, I now transmit to you a Memorandum stating the conditions which, if agreed to by the Spanish Government, offer in the opinion of Her Majesty's Government and that of France a prospect of a successful result, and in support of which Her Majesty's Government and that of France are prepared to employ their good offices for bringing about an honourable reconciliation between Spain and Chile.

You will concert with your French colleague as to the time and manner of bringing this proposal before the Spanish Government, and you will apprise me of the result of your proceedings with as little delay as possible.

I am, &c.
(Signed) CLARENDON.

Inclosure in No. 56.

Memorandum.

SPAIN considers that her honour has been offended by Chile, and that satisfaction has been refused.

Chile denies having given just cause of offence to Spain, and maintains that at all events the explanations she has already made constitute reasonable satisfaction.

It seems unnecessary to enter into the details of the misunderstandings which have arisen, as the duty of a friendly Power whose good offices have been admitted is not to criticise or discuss the acts which have led to differences, but to devise a settlement of those differences which may be accepted with honour by the contending parties, and we think that such settlement might be effected, and amicable relations restored between the two countries, by an exchange of notes:

Chile to declare that there had existed no intention on her part to give offence to Spain, whose honour and dignity she respects:

That Chile desires to maintain relations of amity with Spain, and that as she considers that the Treaty of Peace with Spain has not been annulled by the declaration of war, she desires that it shall still be held to be in full force, and she pledges herself to maintain its provisions:

Spain to declare that she will with great satisfaction renew her former friendly relations with Chile, and will consign to oblivion the circumstances which led to their temporary suspension. She declares also that she has no objects of conquest or territorial acquisition in America, and that she seeks no exclusive influence in the American Republics, whose independence and autonomy she respects.

These notes having been exchanged, the re-establishment of diplomatic relations to be confirmed, according to usual practice, by an exchange of salutes, to take place in a Chilean port. The Spanish flag having been re-hoisted, Chile is to salute it with twenty-one guns, which shall immediately be returned by a Spanish ship of war, gun for gun.

No. 57.

Sir J. Crampton to the Earl of Clarendon.—(Received December 2.)

My Lord,

Madrid, November 29, 1865,

I HAVE the honour to inclose an extract with translation from the "Official Gazette" of Madrid, stating that orders have been given to the commanders, &c., of Spanish vessels of war, and other maritime authorities, to treat as pirates all vessels cruising as Chilean privateers, whose captains, officers, and a majority of whose crew are not Chilean subjects, and who have not received letters of marque directly from the Chilean Government.

I have, &c.

(Signed)

JOHN F. CRAMPTON.

Inclosure in No. 57.

Extract from the "Madrid Gazette" of November 26, 1865.

(Translation.)

Ministry of Marine.

ON the 26th of the present month, Captains and Commanders-General of departments, dockyards, squadrons, and Commanders of naval stations, have been instructed to treat as pirates, with all the rigour of the law, vessels whose captains, officers, and the majority of whose crews are not Chileans, and have not received letters of marque directly from the Government of Chile.

No. 58.

Lord Napier to the Earl of Clarendon.—(Received December 4.)

My Lord,

Berlin, December 2, 1865.

ON the evening of the 29th ultimo, M. de Bismarck asked me to come to the Department of Foreign Affairs, and informed me that he had received representations from the Chamber of Commerce of this country, which prompted him to interest himself actively in the controversy pending between Spain and Chile. The traffic between the Customs Union and the South American Republic amounted, he said, to more than 12,000,000 thalers annually; such a commercial movement could not be arrested without grave inconvenience. The Prussian Minister then expressed his desire to be accurately informed of the steps taken by Her Majesty's Government at Madrid and in Chile, and of the orders given to Her Majesty's forces on the South American coast. He had already instructed the Prussian Representative at Madrid to state that the Prussian Government expected that the Government of Spain would respect the rights of neutral trade, and the interests and wishes of a friendly Power. He desired to act in conformity, as far as the position of Prussia permitted it, with Her Majesty's Government, and he would dispatch the Prussian corvette "Vineta," now in an English harbour, to the Chilean waters without delay.

I informed M. de Bismarck that I would lose no time in acquainting Her Majesty's Government with his views, and I telegraphed to your Lordship the same evening.

I had yesterday morning the honour to receive the correspondence between your Lordship and Sir J. Crampton on this subject, of which I am directed to impart the substance to the Prussian Minister.

I regret, however, that I have not been able as yet to execute your Lordship's instructions, for M. de Bismarck has been absent from the capital for two or three days past, and does not return till to-morrow morning.

I have, &c.

(Signed)

NAPIER.

The Earl of Clarendon to Lord Napier.

My Lord,

Foreign Office, December 5, 1865.

WITH reference to your Excellency's despatch of the 2nd instant, respecting the desire of M. de Bismarck to be informed of the steps which Her Majesty's Government are taking with regard to the pending dispute between Spain and Chile, I have to remark that the despatches which were inclosed in my despatch of the 29th ultimo will have enabled you to make his Excellency fully acquainted with the course taken by Her Majesty's Government in this matter; and I have at the same time to observe, that Her Majesty's Government would be glad to learn the nature of the instructions which have been or which may be given on the subject to the Prussian Representatives at Madrid and Chile.

I am, &c.

(Signed) CLARENDON.

No. 60.

Sir J. Crampton to the Earl of Clarendon.—(Received December 6.)

My Lord,

Madrid, December 2, 1865.

I HAVE the honour to inclose in translation an extract from the Official Gazette of Madrid, announcing the rupture of diplomatic relations between Spain and Chile, and the establishment of a blockade of the ports of that Republic.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure in No. 60.

Extract from the "Madrid Gazette."

(Translation.)

Ministry of State, Political Department.

HER Majesty's Plenipotentiary and General in command of the Spanish squadron in the Pacific, has informed the office that the Government of Chile having refused to give Spain the just satisfaction demanded from it, he had declared diplomatic relations between the two countries to be broken off, and the ports of that Republic to be in a state of blockade from the 24th of September last.

No. 61.

Sir J. Crampton to the Earl of Clarendon.—(Received December 11.)

(Extract.)

Madrid, November 28, 1865.

HAVING ascertained that Señor Posada Herrera, the Spanish Minister of the Interior, was at Madrid, I sent to request his Excellency to grant me an interview as soon as possible, which he did at an early hour the next morning.

I said that I was ready to go to La Granja to make the communication* with which I was charged to the Minister for Foreign Affairs, or to Marshal O'Donnell; but that if I did so the time occupied by the journey would render it impossible for me to send a reply to my Government before the 1st of December, which was what they desired in order to prepare instructions to Her Majesty's Chargé d'Affaires in time for the mail which is to leave England on that day. I saw, therefore, no chance of my being able to give the desired reply in time, unless his Excellency would consent to communicate with his colleagues by telegraph to La Granja, and request them to send back their decision by the same means.

To this Señor Posada Herrera consented, and I then explained to him the nature of the proposal of Her Majesty's Government. His Excellency seemed in no way disposed to repel the proposal. After a good deal of conversation, his Excellency said that he would immediately make use of the telegraph between Madrid and La Granja,

* See No. 25.

and he promised to inform me of the result. He feared, however, that as a Council of the Ministers would probably have to be convoked, it would scarcely be possible to furnish me with the reply of the Government in time for the mail of the 1st of December.

The only point of the proposal of Her Majesty's Government which his Excellency said did not appear clear to him, and from which he seemed to apprehend difficulty, was, that if the Spanish Government, in compliance with the suggestion of Her Majesty's Government, were to send orders to Admiral Pareja to suspend hostilities, and that he was to do so, whilst Chile on her part was to refuse, and to continue the war, the Spanish Government would have the appearance of having taken a step which would not be regarded by the public in this country as consistent with the dignity of the nation.

To this I replied that it was evident to me that this was not what Her Majesty's Government desired or contemplated. What they wished, and what was the object of my communication, was that a suspension of arms or truce should be established between Chile and Spain, in order to give time for the purpose of entering upon a negotiation for peace, either directly between the parties, or by the good offices of Great Britain. The execution of the orders to Admiral Pareja might be made conditional on his being informed by Her Majesty's Chargé d'Affaires at Santiago, who would be instructed accordingly, that Chile consented on her part to a like suspension of hostilities.

I added that it was probable, although I was not yet in a position to say that it was certain, that the French Representative at Santiago would receive an instruction on the same effect as that to be addressed to Her Majesty's Chargé d'Affaires there, and that the good offices of France would thus be joined to those of Great Britain in this matter.

Señor Posada Herrera took some notes of the substance of our conversation for communication to his colleagues.

On leaving him I called upon my French colleague, who said that he felt no doubt that the step taken by Her Majesty's Government would be concurred in by the Government of the Emperor; and he added that he would immediately telegraph to M. Drouyn de Lhuys, with a view to instructions being sent to the French Representative at Santiago of the same nature with those intended to be dispatched by Her Majesty's Government to their Representative by the mail of the 1st of December.

No. 62.

Sir J. Crampton to the Earl of Clarendon.—(Received December 11.)

My Lord,

Madrid, December 3, 1865.

WITH reference to your Lordship's despatch of the 21st ultimo, in which your Lordship informs me that the Spanish Minister in London stated to you that the Government of Her Catholic Majesty would thankfully avail themselves of the mediation of England in regard to their difference with Chile, it may be proper that I should observe that Señor Bermudez de Castro, at the interview which I had with him yesterday evening, said that in a question such as that at issue between Spain and Chile, Her Catholic Majesty's Government could not admit of the mediation of another Power, in the strict acceptation of the word, although ready, as Marshal O'Donnell had expressed himself to me, to take into serious consideration, with every desire to arrive at a peaceable solution of the quarrel, the indication of such terms of satisfaction as might, in the opinion of her Majesty's Government, be accepted by Spain with a due regard to her national dignity.

I have, &c.

(Signed) JOHN F. CRAMPTON.

No. 63.

Sir J. Crampton to the Earl of Clarendon.—(Received December 11.)

My Lord,

Madrid, December 4, 1865.

I HAVE the honour to inclose the copy of a note which, in conformity with instructions contained in your Lordship's despatch of the 29th ultimo, I have addressed to the Spanish Minister for Foreign Affairs, pointing out to his Excellency the ill consequences likely to arise from the conduct of the commander of the Spanish ship of war "Berenguela" in regard to the Chilean port of Coquimbo.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure in No. 63.

Sir J. Crampton to Señor de Castro.

M. le Ministre,

Madrid, December 2, 1865.

HER Majesty's Government have received intelligence from Her Majesty's Acting Consul at Coquimbo of the blockade of that port and threatened bombardment of the town, and I am instructed by the Earl of Clarendon to call your special attention to the proceedings of the captain of the "Berenguela," which, if persisted in or imitated by other Spanish naval officers, would lead to a state of things which Her Majesty's Government would greatly regret.

I have, &c.
(Signed) JOHN F. CRAMPTON.

No. 64.

Sir J. Crampton to the Earl of Clarendon.—(Received December 11.)

My Lord,

Madrid, December 5, 1865.

I WAS surprised to learn from your Lordship's despatch of the 29th ultimo, which reached me to-day, that the language of the Spanish Minister in London had led you to infer that this Government somewhat misapprehended the purport of the communication which I was instructed to make to them with a view of inducing them to send orders to Admiral Pareja by the mail of the 1st of December to suspend hostilities.

The Spanish Government, your Lordship remarks, seemed, according to the Marquis de Molins, to be under the impression that the proposition was only addressed to them, and that it would be represented in Chile that the overture for a suspension of hostilities had originated with them, and that Chile was only called upon to respond to it.

Your Lordship will, however, have observed from my account of my interview with Señor Posada Herrera (the only one of the Spanish Ministers then at Madrid), that in answer to an objection put forward by his Excellency of much the same nature as that referred to by the Marquis de Molins, I replied that the proposal of Her Majesty's Government was, that the execution of the orders to Admiral Pareja to suspend hostilities was to be conditional upon the consent of Chile to suspend hostilities on her side; and that Her Majesty's Chargé d'Affaires at Santiago would communicate such consent to the Admiral, and that a truce might thus be established on fair terms, in order to allow time for the resumption of negotiations directly between the parties, or through the good offices of England, probably in conjunction with those of France.

In the course of a conversation of some length, this point was more than once referred to by Señor Posada Herrera, and his Excellency took notes of the substance of my communication. He promised to lose no time in communicating with his colleagues at La Granja by telegraph, and to inform me of the result in order to enable me to reply as soon as possible to your Lordship.

However, I heard nothing more from him on the subject. After three days, I was informed casually that Señor Bermudez de Castro had just returned to Madrid, and I immediately called upon him (on the evening of the 2nd instant), when he informed me that he had communicated from La Granja, both by telegraph and despatch, with the Spanish Minister in London, who consequently was already in possession of the answer of the Spanish Government to my communication. I nevertheless took care to repeat to his Excellency all that I had said to Señor Posada Herrera on the subject, and I found that no misapprehension existed on the part of Señor Bermudez de Castro as to the nature and purport of the proposal which Her Majesty's Government wished to make in regard to suspension of hostilities. The only new feature in the matter was, that I was now enabled by my French colleague to state as positive that which I had stated to Señor Posada Herrera as probable, viz., the concurrence of the French Government in that proposal, and of this I found that Señor Bermudez de Castro had in fact been just apprized by the French Ambassador.

The impression of my French colleague as to the purport of the joint proposal of our Governments, and of the manner in which it was understood by Her Catholic Majesty's Government, exactly coincides with my own.

I have, &c.
(Signed) JOHN F. CRAMPTON.

Sir J. Crampton to the Earl of Clarendon.—(Received December 11.)

My Lord,

Madrid, December 5, 1865.

I HAVE the honour to inclose the copy of a note which, in conformity with the instructions contained in your Lordship's despatch of the 1st instant, I have addressed to the Spanish Minister for Foreign Affairs, calling the immediate attention of Her Catholic Majesty's Government to the announcement made to Her Majesty's Chargé d'Affaires at Santiago by Admiral Pareja "that the Prize Court was to be established on board his ship the 'Villa de Madrid,' and under his presidency;" and expressing the confident expectation of Her Majesty's Government that orders will be sent without loss of time to the Admiral to desist from this proceeding.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure in No. 65.

Sir J. Crampton to Señor de Castro.

M. le Ministre,

Madrid, December 5, 1865.

WITH reference to a correspondence which has taken place between Her Majesty's Chargé d'Affaires at Santiago and Admiral Pareja, respecting the capture by the Spanish blockading squadron of the steam-vessel "Matias Cousiño," while sailing under British colours, Her Majesty's Chargé d'Affaires states that Admiral Pareja has made the announcement "that the Prize Court will be held on board his Excellency's ship the 'Villa de Madrid,' and under his presidency."

I am instructed to call the immediate attention of Her Catholic Majesty's Government to this announcement.

Such a proceeding would, in the opinion of Her Majesty's Government, be novel, inadmissible, and contrary to the principles of international law, which regulate the reciprocal rights and duties of belligerents and neutrals in maritime war.

The neutral has an incontestable right to be tried before a properly constituted Court in the country of the captor, with all the forms as well as the substance of justice. He has a right to agents, counsel, a proper forum, and a proper appellate tribunal. It will be evident to Her Catholic Majesty's Government that the deck of an Admiral's blockading ship contains none of these indispensable requisitions of international justice, upon the presumption of supplying which the belligerent's right to detain a neutral vessel on the high seas is founded.

Her Majesty's Government do not doubt that the Government of Her Catholic Majesty will concur in the soundness of the principles to which I have referred, and they consequently entertain the confident expectation that immediate orders will be sent to Admiral Pareja to desist from the course which he has expressed his intention of adopting in this respect.

I avail, &c.

(Signed) JOHN F. CRAMPTON.

No. 66.

Sir J. Crampton to the Earl of Clarendon.—(Received December 11.)

My Lord,

Madrid, December 5, 1865.

I HAVE the honour to inclose the copy of a note which, in conformity with the instructions contained in your Lordship's despatch of the 1st instant, I have addressed to the Spanish Minister for Foreign Affairs, stating that Her Majesty's Government do not consider to be in accordance with the law of nations the notice of the Spanish Marine Department that all privateers sailing under Chilean colours, whose commanders and a majority of whose crews are not Chilean subjects, and which have not received their letters of marque directly from the Chilean Government, are to be treated as pirates.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure in No. 66.

Sir J. Crampton to Señor de Castro.

M. le Ministre,

Madrid, December 5, 1865.

THE attention of Her Majesty's Government has been called to an announcement published in the "Official Gazette" of Madrid, headed "Ministry of the Marine," to the effect that notice has been given to the Captains and Commandants-General of departments, dockyards, squadrons, and Commanders of naval stations, that they are to treat as pirates with all the rigour of the law, all vessels (cruizing as privateers under Chilean colours) whose commanders, officers, and the majority of whose crews are not Chilean subjects, and "have not received their letters of marque directly from the Chilean Government."

With reference to this notice, I am directed by Her Majesty's Government to observe to your Excellency that in their opinion both these instructions are inconsistent with the law of nations, which has never regarded as piracy the enlistment of the subjects of one nation into the war service of another, and which draws no distinction between commissions given direct by a belligerent Government, and commissions given by persons acting by its authority as agents for that purpose.

Independently of the notice in question, the instructions of Admiral Pareja prescribe the treatment as pirates of privateers not duly provided with papers, and not manned in a specified way. Her Majesty's Government are, however, of opinion that foreign Governments whose subjects may, under these instructions, be treated as pirates, cannot be expected to acquiesce in such a proceeding.

I avail, &c.
(Signed) JOHN F. CRAMPTON.

No. 67.

Sir J. Crampton to the Earl of Clarendon.—(Received December 11.)

My Lord,

Madrid, December 7, 1865.

IN obedience to the instructions contained in your Lordship's despatch of the 2nd instant, which reached me to-day, I brought, in concert with my French colleague, under the consideration of Her Catholic Majesty's Government the joint proposal of Her Majesty's Government and that of France for bringing the difference between Spain and Chile to a peaceable solution.

The Spanish Minister for Foreign Affairs, upon being made acquainted with the "Memorandum" stating the conditions which, in the opinion of Her Majesty's Government and that of France, offer a prospect of a successful result, observed, that in his opinion the terms were acceptable in principle, and, he doubted not, would, after having been taken into consideration by the Spanish Cabinet, be agreed to.

So much he would say at once as regarded the main features of the proposal ("le fond de la question") and as his personal opinion. With regard to the form, however, in which the matter should be conducted, he thought it would be proper that the joint proposal of the two Governments should, after having been communicated to Her Catholic Majesty's Government officially, be taken into consideration by the Queen and the Council of Ministers, and then be replied to in the same manner.

This reply, his Excellency said, would be made without loss of time.

The attention of the public having been naturally much attracted to this matter, it was, Señor Bermudez de Castro observed, advisable to proceed in such a manner as to leave no doubt as to the true nature of the transaction; the more so because a cry had been raised in some quarters against some supposed undue pressure by foreign Governments upon that of Spain in regard to her difference with Chile, which it would be well to be able to show by official documents was altogether unfounded.

It was agreed, therefore, that the French Ambassador and myself should each of us address to Señor Bermudez de Castro an official note, transmitting to him a copy of the "Memorandum" which we had just read to him, and that he should, so soon as this had been taken into consideration by Her Catholic Majesty's Government, address us their definitive reply in the same form.

The only point of the terms proposed in which Señor Bermudez de Castro made any special reserve, was that regarding a claim for indemnity to the Spanish Government for any injury to Spanish commerce which might possibly be inflicted by privateers under the

Chilean flag before the two Governments had come to an understanding to suspend hostilities, or possibly by such privateers in disregard of any peaceable solution of the quarrel. The Chilean Government, his Excellency observed, by issuing letters of marque against Spanish commerce in almost every country in the world, had adopted what he considered to be the most extreme measure of war against Spain known among civilized nations, while Spain, on the other hand, only had recourse to blockade, which in point of fact was, in the opinion of many publicists, not considered to constitute war.

The only passage in the memorandum to the adoption of which Señor Bermudez de Castro expressed any reluctance, was that relating to a declaration to be made by Spain that "she has no objects of conquest or territorial acquisition in America, and that she seeks no exclusive influence in the American Republics." This, his Excellency observed, was perfectly true, and the very same expressions had been made use of in official documents by the Spanish Government itself; but it struck him as a somewhat different matter to make a solemn statement of this in an exchange of notes. It seemed, he thought, to countenance an imputation that Spain had done something which might lead to a different conclusion as to her policy, and that it was necessary for her to clear herself from such an imputation; all which he entirely denied.

Both my French colleague and myself remarked, in reply, that the proposed declaration did not appear to us to justify any such inference. Spain had so often spontaneously and publicly declared what her policy was in respect to America, that not the slightest suspicion could attach to her Government of any other motive for now repeating the declaration in a more formal manner than that of a desire to quiet for ever an unfounded apprehension on the part of some of the American Republics of Spanish origin.

Señor Bermudez de Castro seemed to acquiesce in this view, and did not further press his objection to the passage in question.

I have, &c.

(Signed) JOHN F. CRAMPTON.

No. 68.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, December 11, 1865.

I RECEIVED this morning your despatches of the 28th of November and the 7th of December, reporting your communication with Señor Posada Herrera and Señor Bermudez de Castro respecting the differences between Spain and Chile, and the terms on which Her Majesty's Government and that of France are of opinion those differences might be arranged.

Her Majesty's Government approve the language that you held on both occasions.

With respect to the remark made by Señor Bermudez de Castro on the passage in the memorandum inclosed in my despatch of the 2nd instant, which refers to a declaration to be made by Spain that she has no objects of conquest or territorial acquisition in America, and that she seeks no exclusive influence in the American Republics, I have to observe that the passage in question was taken *verbatim* from the most recent diplomatic circular.

The declaration cannot, therefore, offend the dignity of Spain, and it may be most useful in removing doubts and apprehensions respecting her policy in South America.

I am, &c.

(Signed) CLARENDON.

No. 69.

Mr. Grey to the Earl of Clarendon.—(Received December 13.)

My Lord,

Paris, December 12, 1865.

THE Spanish Ambassador has this day informed M. Drouyn de Lhuys that a telegram which he received last night from Madrid states that the Spanish Government accept the offer of good offices made to them by England and France for the settlement of the dispute with Chile, and adopt the memorandum which had been communicated to them by the English and French Representatives.

The text of the official reply made by the Spanish Government to the notes addressed to them by Sir John Crampton and M. Mercier is not expected to arrive here before

t-morrow, and as the time for the departure of the Chilean mail is drawing near, a despatch will be sent to-night to the French Ambassador in London, desiring him to confer with your Lordship, and informing him that as the Spanish reply is known to be satisfactory, M. Drouyn de Lhuys will at once prepare the instructions which he proposes to address to the French Chargé d'Affaires at Santiago.

I have, &c.
(Signed) W. G. GREY.

No. 70.

Mr. Thomson to Earl Russell.—(Received December 14.)

My Lord,

Valparaíso, October 19, 1865.

I HAVE the honour to inform your Lordship that Commodore Harvey, in Her Majesty's ship "Leander," arrived this day in the port of Valparaíso from Callao.

I have, &c.
(Signed) WM. TAYLOUR THOMPSON.

No. 71.

Mr. Thomson to Earl Russell.—(Received December 14.)

(Extract.)

Santiago, October 30, 1865.

I HAVE the honour to transmit to your Lordship an extract from a despatch addressed to me by Commodore Harvey, in which he communicates to me an arrangement he had come to with Admiral Pareja, with regard to several important points connected with the blockade. It states the names of the ports at present blockaded, and that the Admiral will notify any additions to or change of ports blockaded. It is also arranged, though, I imagine, merchants will not willingly frequently avail themselves of the concession, that neutral consignees might send their orders for vessels expected to the "Villa de Madrid" in duplicate, so that on being warned off a blockaded port they might receive from the blockading ship the orders of the consignees, and then go to the unblockaded ports.

Your Lordship will also perceive the arrangement come to by Commodore Harvey with regard to the mail and intermediate steamers belonging to the Pacific Steam Navigation Company, by which those of the former class may run to the blockaded ports with mails and passengers only, and those of the latter to unblockaded ports with passengers and cargo.

Inclosure in No. 71.

Commodore Harvey to Mr. Thomson.

(Extract.)

"Leander," at Valparaíso, October 27, 1865.

IN reply to your letter of the 25th instant, I have the honour to inform you that the notification now made by the Spanish boarding officers on the papers of the neutral vessels warned off the blockaded ports is, that the ports of Tomé, Talcahuano, Valparaíso, Herradura (Guyacan), Coquimbo, and Caldera, are blockaded.

Vice-Admiral Pareja will notify any additions to, or change of ports blockaded.

The neutral consignees or merchants, by sending their orders for vessels expected to the "Villa de Madrid" in duplicate, will enable the blockading ships to deliver them to the vessels on being warned, and to go to the unblockaded ports, and thus prevent further communication with the shore, which by the rules of the blockade is not allowed.

The Pacific Steam Navigation Company's mail packets are to be permitted to run to the blockaded ports with mails and passengers, without cargo, conditionally that they carry the Spanish mails, having the same privilege for the Chilean Government. The Company's intermediate steamers have permission to run between all the unblockaded ports with passengers and cargo, but not to the blockaded ones.

Mr. Thomson to Earl Russell.—(Received December 14.)

My Lord,

Santiago, October 28, 1865.

I HAVE the honour to report to your Lordship that the endeavours of the Diplomatic Corps to persuade the Chilean Government and the Spanish to accept the arbitration proposed to them for the pacific settlement of their differences has completely failed. The Chilean Government accepted arbitration, but under conditions which were equivalent to a rejection of arbitration. And the Spanish Admiral declined arbitration altogether, on the ground that his doing so would be contrary to the instructions of his Government. There therefore remains no prospect of a peaceable solution being arrived at until a severe blow be struck by either party, after both have experienced the weight of the evils which the war must entail upon them. The United States' Minister, the Italian Minister, the Prussian Charge d'Affaires, and myself went on board the "Villa de Madrid" separately, in order to endeavour to persuade Admiral Pareja to accept the arbitration proposed to him, but our efforts were fruitless. He informed me he could not do so, it being contrary to his instruction, and brought the despatch in which he asserted the order was contained, but although he read it over twice from beginning to end, he admitted that the despatch did not contain the instruction he supposed, and that it must have been in another document which he could not lay his hand on. I have the honour to inclose to your Lordship a copy and translation of the reply of the Chilean Government, and of Admiral Pareja, to the notes which the Diplomatic Corps had addressed to them on the 17th instant, also a copy by Mr. Nelson, the United States' Envoy as doyen, acknowledging the receipt of the notes referred to.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure 1 in No. 72.

Señor Covarrubias to Mr. Nelson.

(Translation.)

Santiago, October 18, 1865.

THE Undersigned, Minister for Foreign Affairs of Chile, has had the honour to receive the note which the honourable members of the Diplomatic Corps, resident in Santiago, have been pleased to address to him under yesterday's date through its worthy doyen the Envoy Extraordinary and Minister Plenipotentiary of the United States of North America, with the object of proposing to the Government of the Republic that it should submit to arbitration the decision of their differences with Spain, and that if this pacific measure should be adopted, and the Chief of the Spanish squadron, to whom a similar proposal has been made, should also accept it, both parties should proceed to arrange an armistice, whilst a Convention is entered into with the view of naming the arbiter.

In compliance with the instructions of his Excellency the President of the Republic the Undersigned hastens to reply to the aforesaid note, commencing by assuring the honourable members of the Diplomatic Corps that the Government of Chile does full justice to their loyal and repeated efforts in favour of peace, and sympathises sincerely with them. The present reply will be the best proof of those sentiments.

But before proceeding to give that reply, the Undersigned begs to rectify an opinion given in the note before him, in which it is said, "that the two nations (Spain and Chile) are at war, not to obtain material advantages, but to settle a question of honour." In thinking so, the Diplomatic Representatives resident in Santiago have interpreted the intentions of Spanish policy according to their own sentiments of loyalty, justice and wisdom, and those of their enlightened Governments. That of the Republic also, taking as a criterion their own intentions, for a long time gave credit to the promises of the Cabinet of Madrid, and considered that it was only actuated by feelings of honour and dignity.

Unfortunately a series of facts which emanate from the occupation of Chincha, the antecedents of which occupation and many other circumstances well known to the Diplomatic Ministers resident in Santiago, together with the unlooked-for aggression of which Chile has just been the victim, have produced a mournful conviction in the mind of the Government of the Undersigned. The disingenuous, contradictory, and aggressive conduct of the Cabinet of Madrid in the Pacific gave rise to designs as illegal as dangerous to the

stability and peace of the American Republics, and in this sense the Spanish policy is not less prejudicial to American interests than to those of the nations to whose Representatives the Undersigned has now the honour to address himself, nations which maintain with these countries commercial and industrial relations of the most undeniable importance.

On this account, if in the present war the question of honour is a primary one, it is not the only question which weighs in the mind of the Chilean Government, and it is very far from being that which led Spain to her violent and unjustifiable rupture with the Republic. The security of this country, as well as that of all the States of the Pacific, finds itself seriously threatened by the present hostilities of Spain, and it would be a poor way of providing for that security if in removing the danger of to-day they did not do away with for ever the unjust aggressions of that Power, and leave for them a free field hereafter.

The Government of the Undersigned would consider itself happy if the conviction at which they have arrived should be inexact; but, even if such was the case, there would always be in the present struggle not only a matter of honour, but also of numerous material prejudices.

The Republic, taken unawares by an unjust aggression in the midst of a long and flourishing peace, found itself almost disarmed and without the means for a naval warfare. To attend to its defence it has been necessary to raise an army by enlisting the peaceful and laborious citizens, withdrawing large capitals previously destined to promote works of industry, and to contract at home and abroad obligations which weigh heavily on its credit. Add to this the confusion introduced in the finance arrangements by a war which has cut off the principal revenue of the State, the customs; neither is the baneful influence of the same event upon the commerce, navigation, industry, and agriculture of Chile to be forgotten.

Although none of these considerations would induce the Government of the Undersigned to swerve from the path which the dignity of the Republic points out, they show, nevertheless, that Chile has something more to look to than a question of honour, even supposing that such was the only thing exacted by Spain.

Having thus rectified the true signification of the present contest, the Undersigned proceeds to occupy the favourable and enlightened attention of the Diplomatic Corps resident in Santiago by examining the measure proposed for a pacific solution.

An arbitration generally takes place before hostilities break out between the parties differing, and whilst they are upon an equal footing. That this equality has disappeared between Chile and Spain is demonstrated by what the Undersigned has just set forth, were it not a fact too evident to escape the penetration of the honourable members of the Diplomatic Corps.

Nevertheless this inequality might be repaired by restoring matters to the state in which they were before the 16th September last, when the squadron of the Spanish Admiral arrived at Valparaiso.

The way to arrive at such a result is very obvious, if reduced to the departure of the Spanish fleet from the Chilean ports, until the Republic can count upon naval forces sufficient to oppose to it, and the restoration of the vessels and cargoes which have been captured.

Matters being thus re-established in the state in which they were previous to the aggression, the obstacles which present themselves to the employment of an arbitration in the present question would in a certain measure be removed.

The Government of the Undersigned, faithful to their humane and moderate policy, and animated with a sincere solicitude for the interests of the friendly nations involved in this contest, does not hesitate to accede to the proposal which the honourable Diplomatic Body resident in Santiago has been pleased to make to it, so soon as the re-establishment of the question in the state in which it was *ante bellum* has been accepted. When the belligerents have agreed to this first step, an armistice may be arranged, and afterwards the question may be submitted to the arbiter under its different aspects, and which the Undersigned has pointed out in the course of this communication.

The honourable members of the Diplomatic Body will, the Undersigned flatters himself, perceive in this resolution of the Chilean Government a fresh proof of the sentiments of peace and conciliation by which it is animated, and to which it has wished to sacrifice momentous considerations, as indicated in this note.

The Undersigned, &c.

(Signed) ALVARO COVARRUBIAS.

Inclosure 2 in No. 72.

Admiral Pareja to the Diplomatic Corps.

(Translation.)

On board the "Villa de Madrid," October 20, 1865.

THE Undersigned, Commander-in-chief of the Spanish squadron in the Pacific and Minister Plenipotentiary of Her Catholic Majesty, has received the note which the Diplomatic Corps resident in Santiago has been pleased to address to him through the medium of its doyen.

Before replying to that note, it is a duty as honourable as pleasing to the Undersigned, to express in the name of his Government to the public Ministers who sign it, how much he thanks them for their good offices to put an end to the hostilities between Spain and Chile, hostilities which necessarily cause very great injury to foreign commerce, which no one more than the Undersigned deploras, and which he has always endeavoured up to the present time to lessen as much as was in his power.

The Diplomatic Corps resident in Santiago proposes to the Undersigned an arbitration, with a previous armistice, founding this proposal on the grounds that questions of honour between two nations, as is the case of Spain with Chile, may be submitted, and are commonly submitted to arbitration. The Diplomatic Corps also states that a similar proposal has been made to the Government of Chile.

The Undersigned, while respecting the opinion upon which this proposal is based, regrets that he must differ from it entirely, because he believes that the nation which has been aggrieved, which has received offences of the nature of those which Chile has given to Spain, cannot in any way, without compromising its honour and without lowering its dignity, avoid being its own judge to protect and vindicate both, however highly honourable, as in this case, the Representatives of friendly nations may be, who, impelled with the laudable desire to put an end to the evils which are always attendant on war, propose to submit to the decision of his impartial judgment.

The Undersigned has no hesitation in appealing, in support of his opinion, to the diplomatic history of all countries, certain that in similar cases all have acted according to this criterion, as no other can exist for Governments which, like that of Spain, is always bound to place in the most honourable position the name of a great country.

The Undersigned, holding a different opinion as to the proposal which the Diplomatic Corps resident in Santiago has been pleased to submit to him, and the instructions of his Government not permitting it, naturally regrets that he cannot accept that proposal, grounding his refusal on the fact that the nature of the offences to Spain by Chile might perhaps have allowed of an arbitration before the rupture, but that hostilities having once commenced, that is, having once constituted itself the sole protector of its honour, it is not possible for its officers to transfer to others this sacred right; without failing, nevertheless, to appreciate at their full value, and to render thanks for the good offices which have been offered.

There is, moreover, in the case of Spain with Chile the circumstance that the Government of Her Catholic Majesty, even before the rupture between the two countries, considered that it could not accept the mediation of a friend, however sincere and honourable, and this circumstance, as the public Ministers whom I have the honour to address will comprehend, is of very great weight in rendering the Undersigned unable to accept their proposal, above all when hostilities have commenced, a reason for which the Undersigned also had to regret that he could not accept the good offices of another friend as sincere and honourable as the first.

Notwithstanding this, and the Diplomatic Corps resident in Santiago knowing the conditions which in satisfaction of its honour the Government of Spain exacts from that of Chile, conditions which have been concisely pointed out, the Undersigned, desirous to avoid greater evils to neutral interests, would have no objections to treat, commencing with those unalterable conditions.

This exigency does not involve, in this case, on the part of Spain, any humiliation for Chile, humiliation which Spain has never pretended to inflict, because as contrary to the predominance of right over force, it would be sufficient for this to be insinuated, to invalidate the satisfaction which Spain has to demand from Chile, adequate to the offences which she has received. Such satisfactions have never been given. The history of all countries says:—"That so far from being degrading to the good name of a nation, on the contrary, the concession on the part of the offender has served to place her name in an honourable position, because it shows that she has known how to set aside all kinds of considerations to render tribute to justice, the legitimate and noble ruler of relations between nations."

The Undersigned, &c.

(Signed)

JOSE MANUEL PAREJA.

Inclosure 3 in No. 72.

*Mr. Nelson to Señor Covarrubias.***Legation of the United States, Santiago de Chile,
October 24, 1865.*

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, on behalf of the members of the Diplomatic Corps resident in Santiago, has the honour to acknowledge the receipt of the reply which his Excellency the Minister of Foreign Relations of Chile has given to their note of the 17th instant, and has also received the reply of his Excellency Admiral Pareja, Minister Plenipotentiary of Her Catholic Majesty, to one of the same tenor.

The members of the Diplomatic Corps profoundly regret that the conciliatory steps taken by them have been unsuccessful, and that there only remains for them the duty of informing their respective Governments of their fruitless efforts to terminate a useless war, no less disastrous to their respective peoples than to the belligerent parties.

The Undersigned, &c.

(Signed)

THOMAS H. NELSON.

No. 73.

Mr. Thomson to Earl Russell.—(Received December 14.)

(Extract.)

Santiago, October 30, 1865.

THE suddenness with which the war between Chile and Spain was declared, did not admit of the Spanish merchants, traders, &c, residing in this country leaving it before hostilities had broken out, and in a few days after the Government issued orders revoking such passports as they had themselves granted, the holders of them being ordered to present themselves to the police authorities in Santiago. In the province of Atacama, three days after the blockade was established, a Decree was issued by the Governor confiscating all the property and effects of Spaniards existing in the province, of whatever nature they might be, pending the approbation of the Central Government. In the Inclosure No. 1, and marked No. 1, is a translation of this Decree. Five days later another Decree marked No. 2, was also published in the same place, ordering Spanish shopkeepers, and even those engaged in mining operations to superintend their works and business, and the daily proceeds to be paid over by them into the Government Treasury. Not only were those Decrees not disavowed by the Central Government, but others were issued under the authority of the President of the Republic, numbered 3, 4, and 5, and in copy and translation, the first of these being directed against the personal liberty, the second against the property, and the third against the commercial relations of Spaniards. In short, it was evident that they were to be held here as hostages, and responsible in their lives for the acts of the Spanish Admiral or of his Government. This procedure of the Chilean Government, highly applauded, too, by the principal journal of Santiago, appeared to me so barbarous that I called upon the Minister for Foreign Affairs and pointed out to him, not only how much such Edicts would be reprobated in England, but how seriously they would affect the material interests of Chile. The Chilean Minister at this interview admitted the force of my observations, but some days later, having reason to suppose that the Government had no intention of changing their policy, I addressed to the Minister for Foreign Affairs a letter, and the next day called upon him in order to urge him verbally to rescind the Edicts, and to allow such of the Spaniards as wished it, to leave the country. I found the Minister had already communicated a translation of my letter to the other members of the Cabinet, and complained of my having taken a step so unfriendly to Chile. I told him that my object in addressing to him this letter was with a view to the welfare of Chile, and to place her in such a situation as to command the sympathy and respect of the civilized nations of the day, by the display of the utmost humanity in the course of the war in which she was entering. I also said that by detaining the Spaniards as hostages and collecting them in one spot, in a moment of popular excitement, which the Government might not have the power to restrain, these helpless men might be sacrificed and his country's name tarnished for ever. He protested that the intentions of his Government were most humane; that the Spaniards had been brought to the capital in order that they might be within reach of the immediate action of the Government for their safety, and repeatedly assured me that the intentions of the Government were

* A similar letter, *mutatis mutandis*, was also addressed to Admiral Pareja.

directed to the same point that I desired, and that the only result of the presentation of my letter would be to embarrass the Government in the course it had chalked out for itself. As he repeatedly urged the embarrassment which the letter would cause to the Government in carrying out what I myself desired, I offered, in view of the assurances he had given me, to withdraw the letter. The Chilean Government affected to view the letter as indicative of sympathy with Spain; but it appears to me that if Spaniards protected by Treaty be treated as they are, the same may happen to those of any other nationality who may be residing in this country when a serious difference occurs between them and the Chilean Government.

Inclosure 1 in No. 73.

Decrees.

(Translation.)

(No. 1.)—*Decree of the Intendente of Atacama.*

Copiapo, September 27, 1865.

FOR the present and until the Supreme Government may resolve what it deems fit, all the property and effects of whatever class within the territory of the province belonging to Spanish subjects are sequestered.

All the Spaniards resident in the province must remain at the places of their residence, and those who may be on the coast shall immediately be removed to the interior, in order that they may not maintain any communication with the enemy.

Let this be noted and reported to the Supreme Government.

(Signed)

JUAN F. CAMPOS, *Secretary.*

(Signed)

OLATE.

(No. 2.)—*Decree of the Intendente of Atacama.*

Copiapo, October 2, 1865.

It being convenient that the establishments of Spanish subjects existing in this city and sequestered by Decree of the 27th of last month, should be under the custody of their owners, for the better security of those interests, and open so that the public may purchase the articles which they may require, and as both objects may be obtained notwithstanding the aforesaid Decree by placing in them supervisors, who may be present at the sales made, and who shall receive and keep in deposit the proceeds and an exact account of them,

I decree:—

From this date the owners of the aforesaid establishments shall open them to the public, it being well understood that they can only sell by retail and at the current prices.

In each there will be placed two supervisors named by this Intendencia. The said supervisors shall be present at all the transactions, and will receive the daily proceeds of the sales or operations, keeping an exact account, and deliver them the same day to the treasury of this city.

The Committee of Sequestrations will order the supervisors to be duly recognized, and will place them in the exercise of their functions.

Let this be noted, communicated, published, and notified by a public notary to the parties interested.

(Signed)

JUAN F. CAMPOS, *Secretary.*

(Signed)

OLATE.

(No. 3.)—*Government Edict.*

Santiago, October 17, 1865.

I have resolved and decree:—

1st. The Spanish subjects resident in the territory of the Republic shall be removed to this capital, where they shall be matriculated by the local authority, and will remain under the direct inspection of that authority.

2ndly. The Intendentes, Governors, and other civil authorities will take the necessary measures for the exact compliance with this Decree.

Let this be communicated and published.

(Signed) ALVARO COVARRUBIAS.

(Signed) PEREZ.

(No. 4.)—*Government Edict.*

Santiago, October 17, 1865.

I have resolved and decree:—

1st. No public notary can attest any contract transferring the dominion of property or any other kind of public instrument in which Spanish subjects have any intervention.

2ndly. The same prohibition extends to the directors of banks and the administrators of joint-stock companies, as regards the transfer of titles, shares, or credits which the aforesaid individuals may have in these establishments.

3rdly. Any Act executed in contravention of the foregoing dispositions shall be null, without prejudice to the penalties in which the transgression will occur.

Let this be noted and published.

(Signed) FEDERICO ERRAZURIZ.

(Signed) PEREZ.

(No. 5.)—*Government Edict.*

I have resolved and decree:—

1st. The Custom-houses of the Republic will not admit the signature of any Spanish subject for the clearance of merchandize, nor will they authorize the transfer of manifests which up to this date may have stood in their name.

2ndly. The merchandize, which being manifested by Spanish subjects may be asked for consumption in the interior or for exportation, if proved by proper documents that they belong to Chileans or neutrals by contracts previous to the 24th of September last, are exempted from the effects of this Decree.

Let this be noted and published.

(Signed) ALEJANDRO REYES.

(Signed) PEREZ.

No. 74.

Mr. Thomson to Earl Russell.—(Received December 12.)

(Extract.)

Santiago, October 31, 1865.

I HAVE the honour to transmit to your Lordship a copy and translation of a letter addressed to me by the Spanish Vice-Consul at Santiago, expressing his wish and that of his fellow prisoners, that they should be taken under British protection, and that I should make known their wish to Admiral Pareja. Inclosure No. 2 is a copy of a letter which I accordingly addressed to the Admiral, and Inclosure No. 3 is a copy and translation of his reply, in which he asks me, if there should be no reason against it, to extend the protection of the British flag to the prisoners. I felt assured that on the score of humanity your Lordship would approve of my doing so, but being uncertain if it be in conformity with usage to do so in the case of persons who are already in a manner prisoners, I have begged Commodore Harvey to inform Admiral Pareja verbally that I shall be happy to extend to the Spaniards my "good offices" until I have received an instruction from your Lordship regarding protection.

Inclosure 1 in No. 74.

Señor Lazarrigue to Mr. Thomson.

(Translation.)

Sir,

Santiago de Chile, October 23, 1865.

THE Undersigned, Spanish Vice-Consul at Santiago, attached to the Consulate-General of the same nation, has the honour to bring to your knowledge that various

subjects of Her Catholic Majesty have called upon him to manifest that in the absence of a Representative here, and in view of the Decrees of the Government of Chile of 17th October, and of that of the Intendente of the Province of Atacama 27th of September last, all with reference to the persons and property of the Spaniards resident in this Republic, they were desirous to place themselves under the protection of the flag of Great Britain, a nation friendly with Spain, but that they are timorous of signing any exposition for fear you, from want of instructions or other reasons, would not protect them, and they would be more molested and persecuted. And their fears are not without grounds, as regards fresh annoyances, prejudices, and insults, seeing that the said Decrees are in direct contradiction with the Xth Article of the Treaty between Spain and Chile, which corresponds to the XIVth Article of the Treaty with Great Britain, and to the VIIth with France, which in copy I accompany to you (1, 2, and 3). They have further added, that the effects of those Decrees fall, in the greater part, upon the subjects of friendly and neutral nations, and principally on British, whose interests would be seriously compromised.

The Undersigned, acceding to the wishes of all the Spaniards resident in this city, and above all, feeling for the lamentable state of misery in which so many of his unfortunate countrymen, daily arriving at the capital, by superior orders, find themselves, without resources, and from being Spaniards, without the means of gaining their livelihood, proceeds to solicit of you the great service of bringing this to the knowledge of his Excellency the Commander-in-chief of Her Catholic Majesty's squadron in the Pacific, Don José Manuel Pareja, and Plenipotentiary of Her Majesty, what I have set forth, in order that he may resolve what he deems most convenient in favour of the persons and interests of the Spaniards resident in this Republic.

I have, &c.

(Signed) JUAN LAZARRIGUE.

Inclosure 2 in No. 74.

Mr. Thomson to Admiral Pareja.

Sir,

Santiago, October 23, 1865.

I HAVE the honour to transmit to your Excellency herewith a letter which M. Lazarrigue, Her Catholic Majesty's Vice-Consul in Santiago, has addressed to me, and which was delivered by him to me this morning.

Your Excellency will perceive that he has requested me to bring to your knowledge the subject matter of this communication, and for this purpose I place before you the original document, and at the same time beg you will do me the favour to return it at your convenience.

I take, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure 3 in No. 74.

Admiral Pareja to Mr. Thomson.

(Translation.)

Sir,

On board the "Villa de Madrid," October 24, 1865.

WITH your official letter of yesterday's date, I have received that which, on the same day, was addressed to you by the Spanish Vice-Consul in the capital, and copies of the Articles of the Treaty between England, France and Spain, with Chile, and which are in reference to the pretension of the Spanish subjects, the object of the Vice-Consul's letter.

The conduct of the Government of the Republic as regards the aforesaid Spanish subjects, is the more strange when it is considered that all the Chileans belonging to the vessels captured by this squadron have been at once put at liberty, with their effects, without causing them the least annoyance; on the contrary, treating them with all consideration.

As you have had the kindness to transmit to me the letter of the Vice-Consul, the object of which, I believe to be, to learn what I consider most adequate for the security of the subjects to which it alludes, I ought to state to you that, it being impossible for me to grant protection to the parties interested, if you on your part see no obstacle, this being, in my opinion, a measure of humanity, nothing would be more satisfactory or

honourable for the Government of Her Catholic Majesty than that such subjects may remain under that of England, whilst the present circumstances between Spain and Chile continue.

With reference now to the rights conferred on the persons in question by the Articles of the Treaty which have been alluded to, if you believe that from those rights a just reclamation may be made, the Government of Her Catholic Majesty would be thankful in the extreme if you would have the goodness to make it.

I accompany the letter of the Vice-Consul according to your desire.

This opportunity, &c.

(Signed) JOSE MANUEL PAREJA.

No. 75.

Sir J. Crampton to Earl Russell.—(Received December 14.)

My Lord,

Madrid, December 10, 1864.

I HAVE the honour to forward to your Lordship herewith the copy and translation of a note which I have received from the Spanish Minister for Foreign Affairs, in reply to that which I addressed to his Excellency on the 7th instant, of which copy is inclosed, communicating to the Spanish Government a "memorandum" containing the terms which, in the opinion of Her Majesty's Government and that of France, offered a prospect of success for putting an end to the differences which had produced a state of war between Spain and Chile.

His Excellency announces to me the acceptance by the Spanish Government of those terms; and states that orders will be given in consequence to Admiral Pareja, in the terms of the memorandum.

He adds, that the Spanish Government reserves to itself the liberty of acting as it shall see fit, in case Chile shall reject them; and concludes by bearing testimony to the impartial spirit by which the Cabinets of London and Paris have been animated during this negotiation.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure 1 in No. 75.

Señor de Castro to Sir J. Crampton.

(Translation.)

Sir,

Palace, December 9, 1865.

I HAVE received the note which your Excellency did me the honour to address to me on the 7th instant, inclosing a memorandum in which are certified the conditions which, in the opinion of the Government of Her Britannic Majesty and that of His Majesty the Emperor of the French, offer the probability of a favourable result for putting an honourable termination to the differences which have produced the state of war in which Spain finds herself with the Republic of Chile.

The Conference which your Excellency held, on the 23rd ultimo, with the President of the Council, and the conversations which you afterwards held with me, will have made you acquainted with the ideas of moderation which from the beginning animated the Government of Her Majesty. In consequence of them, they accepted with satisfaction the good offices which were offered by the two nations towards whom the Government of Her Catholic Majesty cherishes the most lively sentiments of consideration and friendship.

The Government of the Queen, which never had any other object in the question with Chile than that of maintaining its dignity and honour, accepts the terms stated in the memorandum as a sufficient reparation for the injuries which it received. In consequence, it will give its orders to Admiral Pareja in the following words:—

1. That at the moment in which shall be communicated to him by the Representatives of England and France that the Government of Chile agrees to the terms and conditions stated in the memorandum he shall suspend hostilities.

2. That Chile shall pass a note declaring that there did not exist on her part any intention of offending at any time the Spanish nation, whose honour and dignity she respects; that she considers that the Treaty of Peace which she concluded with her has not

been annulled by the declaration of war, and desires that it shall be held to be in full force, pledging herself to maintain it in its full integrity.

3. In answer to the note of Chile, General Pareja will reply that Spain will renew with satisfaction her former friendly relations with Chile, and will consign to oblivion the circumstances which led to the temporary suspension of those relations; and that she avails herself of this opportunity to declare again that she aspires neither to conquests of territory in America, nor to exercise an exclusive influence in the American Republics whose independence and autonomy she respects.

4. These notes having been exchanged, the re-establishment of diplomatic relations will be confirmed, in conformity with the established practice, by an exchange of salutes. With this object the Spanish flag being hoisted, Chile will salute it with twenty-one guns, which will be immediately returned by a Spanish ship of war, gun for gun.

5. The Spanish Government reserves its liberty of action to act as she may consider most suitable, in case Chile should refuse the proposals offered in virtue of the good offices of England and France.

In communicating to your Excellency the consent of the Government of the Queen to the proposals of the two Cabinets of London and Paris, I have much pleasure in acknowledging the spirit of impartiality and friendship which animated both of them in the course of this negotiation.

I avail, &c.

(Signed) M. BERMUDEZ DE CASTRO.

Inclosure 2 in No. 75.

Sir J. Crampton to Señor de Castro.

M. le Ministre,

Madrid, December 7, 1865.

I DID not fail to report to Her Majesty's Government the substance of the conversation which I had the honour of holding with the President of the Council on the 23rd ultimo, with respect to the differences between the Government of Spain and Chile, when his Excellency stated that if the Earl of Clarendon would indicate such terms of satisfaction as might in the opinion of Her Majesty's Government be accepted by Spain, with a due regard to her national dignity and honour, his suggestions would be taken into serious consideration by Her Catholic Majesty's Government, with every wish to arrive at a peaceable solution of the quarrel.

Her Majesty's Government has learned with satisfaction that a similar communication was made by Marshal O'Donnell to the French Ambassador at Madrid.

Her Majesty's Government have accordingly fully considered all the circumstances of the case as set forth in the documents published by the Spanish Government, and in the reports received from Her Majesty's Chargé d'Affaires at Santiago, and have exchanged opinions with the French Government, and as the result of their deliberations, I am now instructed to transmit to your Excellency a memorandum herewith inclosed, stating the conditions which, if agreed to by the Spanish Government, offer in the opinion of Her Majesty's Government, and that of France, a prospect of a successful result, and in support of which Her Majesty's Government, and that of France, are prepared to employ their good offices for bringing about an honourable reconciliation between Spain and Chile.

I avail, &c.

(Signed) JOHN F. CRAMPTON.

No. 76.

Lord Napier to the Earl of Clarendon.—(Received December 14.)

(Extract.)

Berlin, December 10, 1865.

IN pursuance of the information and instructions conveyed to me by your Lordship I lost no time in informing Count de Bismarck exactly of the steps taken by Her Majesty's Government at Madrid, and at Santiago, with the view of bringing the mediation of England and France to bear upon the controversy between Spain and Chile, and in the meantime to procure an armistice between the contending parties.

Count de Bismarck informed me that he had a despatch on the way to Madrid, in which he instructed the Prussian Minister to act and counsel in the sense of the proposed

mediation, conforming himself to the language of Her Majesty's Representative, in the tone, however, which befitted the Minister of a State which did not dispose of the maritime forces which were at the command of Her Majesty's Government.

The Prussian Minister has expressed to the Representative of Spain here his regret that the blockade should have been declared so precipitately, without any sufficient warning, and without consideration for the interests of those whose cargoes were now on their way to South America, in full confidence that they would be admitted to the Chilean market.

His Excellency has also called the attention of M. Raneés to the expediency of confining the hostile operations within humane and prudent limits, observing that the bombardment of commercial towns would probably be more destructive to the merchandize of neutral Powers than to the lives or property of the enemy.

On the general merit of the question between Spain and Chile, Count de Bismarck pronounces no opinion.

He merely desires to co-operate for the welfare of commerce, by all the means power, in obtaining a speedy settlement between the belligerents.

I observed to Count de Bismarck that Her Majesty's Government would be very sensible of his good offices on this occasion, and if I might give an opinion concerning the manner in which they could be best exerted, I would say that his Excellency might reiterate his advice to the Spanish Government simply to accept the mediation of the two Powers.

Count de Bismarck obligingly said he would do so at once, by telegraph, and made a note of it on the spot.

No. 77.

Lord Napier to the Earl of Clarendon.—(Received December 14.)

My Lord,

Berlin, December 12, 1865.

I HAVE the honour to report to your Lordship, with reference to my despatch of the 10th instant, that I took occasion to ask Count de Bismarck yesterday evening whether he had any intelligence from Madrid respecting the desired pacification between Spain and Chile.

The Prussian Minister replied that he had, as I knew, despatched a second telegraphic instruction to M. de Werthern, directing him to advise the Spanish Government to accept the mediation of England and France.

He had received an answer from M. de Werthern, stating that he was under the impression that the controversy would probably be settled shortly by a friendly adjustment.

I have, &c.
(Signed) NAPIER.

No. 78.

Sir J. Crampton to the Earl of Clarendon.—(Received December 15.)

My Lord,

Madrid, December 10, 1865.

WITH reference to my despatch of the 25th ultimo, inclosing copy of a note which I addressed to the Spanish Government, accompanied by copies of representations to Her Majesty's Government on the part of certain British mercantile corporations respecting the injuries which might be done to their interests by the conflict between Spain and Chile, I have now the honour to inclose copy and translation of the reply of the Spanish Minister for Foreign Affairs to my communication.

His Excellency states that the Spanish Government have done everything in their power to avoid whatever may prejudice the interests of the commerce of neutral nations; and adds, that the instructions given to Spanish cruizers, and communicated to the Diplomatic Corps in Chile, demonstrate that such is the true spirit of Her Catholic Majesty's Government in this respect, that the Spanish Government consequently will not be the cause, nor can they accept the responsibility of the inevitable evils of the war, which they however deplore.

I have, &c.
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 78.

Señor de Castro to Sir J. Crampton.

(Translation.)

The Palace, December 7, 1865.

I HAVE received the note which you were good enough to address to me on the 29th of November last, accompanied by two memorials from English mercantile bodies, setting forth the injurious consequences which may result to mercantile interests from the conflict which has arisen between Spain and the Republic of Chile. On these grounds you state that Her Britannic Majesty's Government hope that the considerations set forth in these documents will have their due weight in the attention of Her Majesty's Government in directing it towards a solution of the question alluded to, by means of an amicable and honourable arrangement.

In conformity with the anxious desire expressed by you in favour of the respectable interests of commerce, I must state to you that Spain has from the commencement sought, and will always seek to avert from them such injuries as are caused by war, as far as it may be possible to do so. The instructions which have been given to the Spanish cruizers, already known to the public, and which have further been communicated to the Diplomatic Body resident in Chile, will show what is the real feeling of the Government on this subject. Moreover, it will not be the Government of Her Majesty who will be the cause of those inevitable injuries which may be inflicted directly or indirectly on neutral commerce, if the present difference with the Republic of Chile, a difference which they deeply deplore, should, contrary to their wishes, assume greater proportions, of which, as well as of the consequences which may arise out of it, they can by no means accept the responsibility.

Being most anxious to assure you once again of the friendly intentions of Spain as regards the interests of the persons in question, I avail myself, &c.

(Signed) MANUEL BERMUDEZ DE CASTRO.

No. 79.

The Secretary to the Admiralty to Mr. Hammond.—(Received December 15.)

(Extract.)

Admiralty, December 15, 1865.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Clarendon, a copy of a letter from Commodore Harvey, dated the 25th October, with a portion of its inclosures in original, reporting proceedings with regard to the blockade of the coast of Chile by a Spanish squadron.

Inclosure 1 in No. 79.

Commodore Harvey to the Secretary to the Admiralty.

(Extract.)

"Leander," Valparaiso, October 25, 1865.

IN continuation of my letter dated the 9th instant, I have the honour to report, for the information of my Lords Commissioners of the Admiralty, that on receiving the European mails that arrived on that day I left under steam for Valparaiso. After passing Caldera, finding the coal running short and much of it that had been a long time in the ship deteriorated in quality, I put into Coquimbo on the 17th, which port was blockaded by Her Most Catholic Majesty's frigate "Berenguela." I was enabled to procure a small quantity of Welsh smelting coal from the Railway Company, which with some Chilean coal for the same purpose obtained in Herradura Bay the following day, allowed of my reaching this port on the 19th instant. Her Most Catholic Majesty's ships "Villa de Madrid" and "Vencedora" were blockading the place. His Imperial Majesty's ship "Pallas," the Italian frigate "Prince Humbert," the United States' corvette "St. Mary's," and Her Majesty's ships "Scout," "Mutine," and "Columbine" were at anchor in the bay.

The consequences of the blockade, as declared by Vice-Admiral Pareja, and the notifications made by the Spanish boarding officers on the papers of all neutral vessels,

to the effect that they were not permitted to call at any of the Chilean ports, had caused a serious commercial crisis which affected all foreign houses to a ruinous extent.

After an interview with Vice-Admiral Pareja and several communications with Captain Lobo, Chief of the Staff, at his suggestion I drew up a paper for the consideration of Vice-Admiral Pareja, pointing out, first, the illegality of the blockade as general to the coast of Chile, when only three or four ports are actually blockaded; that I knew of one English vessel that had cleared from one Chilean port to another frequently during the month elapsed since the declaration; that the "Leander" had passed at from five to three miles of the shore for a distance of 180 of the coast, on which were several ports, without seeing any Spanish ships-of-war; that the notifications on ships' papers on being warned off the blockaded ports was also in my opinion illegal, and requesting attention to various questions on blockade.

Secondly, that vessels from Europe bound to Chilean ports average passages of from 100 to 130 days; that the nearest neutral ports affording supplies were 1,000 miles to leeward, making the return voyage equal to about twenty-eight days; that ship-owners, charter parties, and consignees were all ruinously affected.

Thirdly, that the ships in the copper and ore trade generally came out in ballast, or with Welsh smelting coal for mining purposes, of no value beyond the Chilean territory, and the vessels being fitted for the peculiar cargo, could not but at a great loss be fitted for any other.

Fourthly, that the coasting trade carried on under the Chilean flag is at least one-half neutral property, cargo and ship, as the laws of the Republic allow foreigners to sail vessels under the national colours.

Fifthly, that although the stoppage of the exportation of cattle, flour, &c., is injurious to Chilean land proprietors and cultivators (many of the latter foreigners), it falls more heavily on the consumers on the west coast of America, as also on the British Colonies of New Zealand and Australia, than on Chile.

Sixthly, that the mining operations are carried on by foreigners, with foreign capital generally; that the stoppage consequent on the present state of affairs falls on neutrals, as the native proprietors of the mines have the ores, which will realize their value at a future time.

Seventhly, that the imports to Chile of the luxuries and necessities of life consist of a minor portion of the commerce, the principal being machinery, railway iron, coals, rope, canvass, and ship chandlery in general, the latter for the necessary supplies of foreign ships.

That the magnitude of neutral interests at stake, both afloat and in Chilean territory, compared with the trifling amount of loss or injury inflicted on the Government or people of the country by the blockade, is such that I hoped some means would be arrived at to prevent the utter ruin to foreigners that the collapse in the currency and commerce must cause should the present state of affairs continue but a few weeks longer.

That, fairly weighed and considered, the war was in reality more against European commerce than Chile.

Could arbitration be submitted to, or hostile measures suspended until advices from Europe?

That from all I can learn there is not the most remote hope the Chileans will comply with the demands of Spain in the present form.

Yesterday the 24th I went to Admiral Pareja, and after some conversation on these points, he offered that either of the three following conditions should be substituted for the former one, on notifying neutral ships off the port:—

First. To add to Article 13, "that neither to the blockaded harbours, nor to any other of the blockaded ports in Chile."

Secondly. To notify singly for each blockaded harbour; this giving the advantage of proceeding to any other blockaded port without being liable to seizure, until having been warned off the said port.

Thirdly. To specify the names of the harbours blockaded, which at present are Tomé and Talcahuano, Valparaíso, Herradura (Guayacán), Coquimbo, and Caldera, notice being given when other ports are to be blockaded.

The Vice-Admiral allowed me to give the mercantile community the choice of the above. The third will, I believe, be decided on.

He will also allow the Pacific Steam Navigation Company's mail steam-vessels with the European and coast mails, to call at the blockaded ports with mails and passengers, but not at the intermediate unblockaded ones, conditionally that they carry the Spanish mails, giving the Chilean authorities the same privilege. The Pacific Steam Navigation

Company's intermediate steam-vessels to be allowed to call at all unblockaded ports with passengers and cargo, but not at the blockaded ones.

Vice-Admiral Pareja said the first proposition is simply an explanation of the real meaning of the 13th Article in the Proclamation, which has been obscure; and that Article 11 was intended to define the effective blockade, and clearly not intended to declare the blockade of all the ports, as has been supposed.

I made no remarks on these opinions as to Articles 13 and 11, as the blockade has in fact been carried out, so far as the number of the ships permitted, as if a blockade of the whole coast was intended, which is simply an impossibility.

I thanked the Vice-Admiral for these concessions, which will greatly relieve the pressure. He asked if I could point out any case where it was considered obligatory for belligerents to specify the ports by name that they intended to blockade. I could not, but said that in no other country in the world could similar hardships be entailed on foreign commerce as on this coast of near 2,000 miles in extent, to which the greater number of ships arrived after such long voyages, and so distant from neutral ports, as well as from their Governments.

The questions were discussed in a friendly way without a word of dispute, Admiral Pareja expressing his anxiety to do all in his power. Arbitration he could not decide on without the consent of his Government.

The Chilean Government have removed their powder from the magazine, which now contains only that belonging to the British squadron. Copies of Commander Blake's letter, and Admiral Pareja's reply on that, as also on the Habas stores, are herewith forwarded.

Since arrival my whole time has been occupied with this Spanish-Chilean question, and the complications consequent on this most serious affair.

A Spanish boat was fired on by some Chilean soldiers yesterday when attempting to seize a boat that had communicated with a ship in the offing, and had got into the small landing-place outside the harbour, used for carrying powder to and from the magazine, when they were compelled to retire, having one killed and one wounded.

The Spanish gun-boat "Covadonga" arrived on the 24th from Callao, Cobija, Caldera, and Coquimbo.

Although the concessions made by Vice-Admiral Pareja have relieved in some degree the pressure on neutral commerce, a prolongation of this war must prove disastrous to British commercial interests on all parts of the Pacific. The Spanish Admiral in all communications with me on the subject has shown his desire to act as far as he is able in a friendly way to neutral Powers.

Inclosure 2 in No. 79.

Admiral Pareja to Commander Blake.

(Translation.)

My dear Sir,

"Villa de Madrid," Port of Valparaiso,
October 2, 1865.

BY your communication of yesterday's date, to which I have the honour to reply, I am made acquainted that both the storehouse "Habas," and the effects which are contained in the storehouse near the lighthouse of this port are the property of the British Government. Whatever new act of hostility I may find myself compelled to commit against the Republic of Chile, in compliance with the orders of my Government, and in the course of which danger may ensue to the said interests of the British Government, I will give you previous notice, as I will to all the Representatives of the other nations, neutrals and friends of Spain, in order that the individuals of their respective nations may place their interests in safety so far as may be possible.

I reiterate, &c.

(Signed) JOSE MANUEL PAREJA.

Inclosure 3 in No. 79.

Commander Ward to Commodore Harvey.

Sir,

"Columbine," Valparaiso, October 5, 1865.

I HAVE the honour to inform you that since my letter of the 3rd instant the aspect of affairs at this port remains unchanged.

2. The "Pallas" anchored in the bay this forenoon.

3. Owing to continued calms many neutral vessels have been unable to leave the port yesterday and to-day, although the time allowed in the declaration of the blockade, during which neutrals were ordered to clear out, has already expired. The Spanish Admiral, however, appears anxious to grant all the indulgence which lies in his power to neutrals, which in truth is not much, seeing that neutrals are suffering and will suffer more from the blockade than the Chileans themselves.

4. Much anxiety prevails amongst foreigners with reference to the next step that the Spaniards may think proper to adopt. The vague threat of "taking more vigorous measures" in the event of the blockade not having the effect of bringing the Chileans to terms, has been construed into an intimation of the Admiral's intention to bombard the town, or at least to shell the Custom-houses and railway station.

The Custom-houses are said to contain upwards of 2,000,000*l.* worth of English goods, the buildings themselves being all that belongs to Chile. It is also said that upwards of 1,000,000*l.* sterling is now afloat in British ships bound for the coast of Chile, and due within the next two months. These figures, if at all to be relied upon, give some idea of the magnitude of the interests at stake, and make the whole question of dispute between Spain and Chile dwindle into insignificance.

I have, &c.
(Signed) THOS. LETT. WARD.

Inclosure 4 in No. 79.

Commander Blake to Rear-Admiral Denman.

(Extract.)

"Mutine," Valparaiso, October 5, 1865.

I HAVE the honour to inform you that Her Majesty's ship under my command is still at Valparaiso, the important circumstances that have arisen since writing you my last, making it advisable for me to remain here in the meanwhile, for the protection of British interests and property.

After closing my letter of the 17th ultimo, the Spanish frigate "Villa de Madrid" arrived here from Callao, Admiral Pareja bringing with him the frigate "Resolución," and gun-boat "Vencedora." Admiral Pareja, in the character of Minister Plenipotentiary, has since re-opened the question of the difficulties that existed between Spain and Chile, and were considered settled in May last, on the plea that the Government of Spain, not deeming the explanations for the insults offered to it satisfactory, as accepted by its Minister, Señor Tavira, have since recalled the Minister, and empowered him to demand fresh reparation.

The Chilean Government, refusing to comply with the demands sent in on the 18th for a salute of twenty-one guns before entering into negotiations, Admiral Pareja on the 22nd forwarded his ultimatum, declaring it to be his intention to proceed to immediate hostilities if not accepted.

At 6 in the morning of the 24th ultimo, I received a communication, of which I inclose a translation, as also a printed copy from Admiral Pareja, to the effect that in consequence of the refusal of Chile to give the necessary satisfaction for the different offences committed, all friendly relations, therefore, between the two Governments ceased from that time, and that he declared the blockade by the Spanish squadron of the whole of the ports of Chile. This was received by a counter declaration of war on the part of Chile the following day.

In the meanwhile, I had had a personal interview with Her Majesty's Chargé d'Affaires in Santiago, with respect to the approaching difficulties, who wrote to me under date of 23rd (copy of which letter I inclose, as also all correspondence that has passed up to the present time between him and myself). I received about the same time a petition signed by the principal merchants of Valparaiso, which I send, as well with my answer to it.

The blockade, commencing on the morning of the 24th, began to take more effect on the day following, when, during a strong southerly breeze, an unusual number of merchant vessels, mostly English, made their appearance. As the blockade of Valparaiso was being sustained by the "Resolución" alone (the "Villa de Madrid" lay at anchor some distance over on the north shore), several vessels entered the port without opposition. Soon after they had anchored, an officer from the "Resolución" went alongside, informed them for the first time of the existence of the blockade, notified the same on their articles, and told them they must go out again. This was of course made a matter of dispute, and an appeal was made to me as the Senior Naval Officer present. Perceiving this to be

a case of difficulty, and wishing to settle it in the most effectual manner possible, I proceeded over the next day, in Her Majesty's ship "Columbine," and sought a personal interview with Admiral Pareja on the subject. After submitting that the case in point could not be construed into a violation of the blockade, as there was no interference by the "Resolución" against the entrance of those vessels, and that therefore I claimed for them the same privileges as those granted to vessels already in port when the blockade was established, for the reason that they also were in port before receiving a similar notice. The substance of Admiral Pareja's reply was a refusal to my demands, upon the ground that, as he had the dominion of the port, his superior force to that of the enemy gave him therefore the right to exercise his intention to exact compliance with the orders of which I complained. The appeal to what I considered a harsh if not illegal measure, resulted in my entering a verbal protest.

Having the opportunity, I entered upon another subject with reference to the blockade; for, by the notification it will be observed that all the Chilean ports are intended to be in a state of blockade, whereas I am led to believe that, with the exception of at this port, Coquimbo, and Caldera, there are no blockading vessels. Admiral Pareja maintained that the blockade of the principal ports was sufficient to sustain the blockade of the whole.

Finally, I endeavoured to make some arrangement with regard to the conveyance of the mails, but nothing definite has yet been settled.

On the 28th I received a communication from Admiral Pareja, revoking his former decision with respect to those English vessels, and they are now discharging.

With the exception of the seizing of Chilean merchant vessels by the Spaniards, no active measures have taken place on either side. The Chileans have as yet contented themselves with remaining passive spectators, evincing no desire to show the least opposition by force, and have even taken the guns from the fort.

The natives are to be seen withdrawing from the town with everything they possess as fast as possible: 30,000 inhabitants are said to have left Valparaiso for the interior already.

Vessels are clearing out in great numbers; out of those remaining, some few late arrivals have permission to discharge their cargoes before leaving for neutral ports.

In a meeting held by the influential merchants, it was agreed to place at the disposal of the Diplomatic Body, paying all expenses, the Pacific Steam Navigation Company's steamer "Valparaiso," and subsequently a request was made to Her Majesty's Chargé d'Affaires to have her placed under the protection of an English man-of-war, which the Chargé d'Affaires thought proper to refuse, upon the ground that it was inexpedient.

The "Esmeralda" and "Maypu," Chilean men-of-war, got away from here on the night of the 19th ultimo. Beyond the rumour that they had gone southward, nothing further of their movements is known.

The old hulk "Chile," and a small paddle-steamer, have been sunk in shore to prevent their capture.

The "St. Mary's," American corvette, arrived here on the 2nd instant, and the "Pallas," French frigate, this morning, both from Callao.

Since the morning of the 4th, when the ten days had expired, the weather has been unfavourable for vessels wishing to clear out, and few as yet have got away.

It is not known what may be Admiral Pareja's ulterior movements should this establishment of the blockade be by him considered insufficient to obtain his ends. I have communicated with him as regards the safety of the Habas stores, and the magazine, which now contains only British Government property, in reply to which the Spanish Admiral expressed his intention to inform me, as well as all others, of any damages attending their property.

Up to the present, the Chilean Government has shown no signs of yielding to the Spanish demands, but on the contrary evince a determination to resist all in their power, and are making such preparations as put any other intention on their part out of the question for the present. It is generally believed they will hold out, relying more upon foreign interference to extricate them in the difficulty than upon any efforts of their own, knowing full well the fact that in event of the destruction of property on shore, the bulk of the loss must fall upon the foreigners, who up to the present time have been, with the exception of the capture of two or three Chilean ships, the sole sufferers.

In concurrence with what, as far as I am able to judge, may be the views of the Minister, I have adhered in this case to the policy of non-intervention, confining my action to interference on behalf of British ships when they had a right to the protection of the flag.

Her Majesty's Chargé d'Affaires not having yet replied to my last letter, I am unable to send a copy.

The "Columbine," "St. Mary's," and "Pallas," are the only men-of-war in port. The "Villa de Madrid" lays still at anchor on the north shore, distant about five miles, having with her several prizes, amongst them a steamer, concerning which there is a question as to the legality of her capture. The "Resolución," and gun-boat "Vencedora," are blockading.

I have already informed Commodore Harvey, in answer to a letter from him of the 20th ultimo, with my reasons for remaining here beyond the time that I was ready, and in the meanwhile if matters of the same importance continued that I awaited his further directions before leaving.

In conclusion, I beg to express a hope that you will approve of my proceedings, and consider the reasons above stated sufficiently urgent to justify me in departing for the time being, or until reinforced, from your instructions to relieve the ship at Panama.

While the blockade continues, this will be the last steamer that leaves Valparaiso. When another opportunity for the transmission of correspondence may occur, I do not as yet know.

No. 80.

The Secretary to the Admiralty to Mr. Hammond.—(Received December 15.)

Sir,

Admiralty, December 15, 1865.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Clarendon, a copy of a letter from Commodore Harvey dated the 1st November, relating to the blockade of Chile by Spain, and stating the arrangements that have been made for packets of the Pacific Steam Navigation Company delivering mails, &c., at Chilean ports.

I am, &c.

(Signed) JOHN H. BRIGGS, *pro Sec.*

Inclosure in No. 80.

Commodore Harvey to the Secretary to the Admiralty.

Sir,

"Leander," at Valparaiso, November 1, 1865.

IN continuation of my letter dated the 25th instant, I have the honour to report for the information of my Lords Commissioners of the Admiralty, that the United States' double-ender "Mohongo," Commander Nicholson, thirty-two days from Monte Video, arrived on the 29th, and His Imperial Majesty's gun-vessel "Talisman" from Rio de Janeiro on the 30th, thirty-five days out, both vessels having used Smyth's channel.

2. The 3rd Article proposed by Vice-Admiral Pareja for notifying the neutral ships is the one in use. Notice will be given of any other ports to be blockaded, and neutral vessels will be permitted a certain time to discharge cargo and leave in ballast, as also those loading to complete cargo.

3. The following are the terms on which the Pacific Steam Navigation Company packets are now permitted to resume running.

That the Company's packets can convey to and from Valparaiso, calling at Coquimbo and Caldera, both official and ordinary correspondence and also passengers:

That the correspondence of the Spanish squadron will be conveyed in the Company's steamers either in charge of a person appointed by the Admiralty or in sealed bags under the receipt of the commander or purser of the steamer, and that the same will be delivered at any or all of the ports touched at by the steamers, to the person or persons to whom it may be directed:

That the Company's steamers will admit as passengers persons belonging to the Spanish squadron:

That in view of the neutrality which the Company is bound to maintain, that conditions are applicable to both belligerents, it being understood that for either of the same can be taken officers, soldiers, sailors, or public functionaries, in number not exceeding six at any one time:

That the packets will be allowed to take sufficient coal at Caldera:

These conditions of course can be withdrawn should Admiral Pareja find it necessary :

The Vice-Admiral has further granted permission for the vessels consigned to the Company with coal for Caldera to discharge them, provided that the names of the expected vessels are sent by the manager of the Company to the Captain of the blockading squadron, and also that these steamers may embark specie.

The "Scout" and "Columbine" continue at this anchorage.

I have, &c.
(Signed) THOS. HARVEY.

No. 81.

The Earl of Clarendon to Mr. Thomson.

Sir, *Foreign Office, December 15, 1865.*
I HAVE received your despatch of the 28th of October, reporting the failure of the endeavours of the Diplomatic Body at Santiago to induce the Chilean Government and Admiral Pareja to accept the arbitration proposed to them for the settlement of their differences; and I have to state to you in reply, that Her Majesty's Government approve your proceedings in this matter, and regret the ill success which has attended the efforts of the Diplomatic Body.

I am, &c.
(Signed) CLARENDON.

No. 82.

Sir J. Crampton to the Earl of Clarendon.—(Received December 16.)

My Lord, *Madrid, December 13, 1865.*
WITH reference to my despatch of December 3, inclosing the copy of a note which I addressed on the 5th instant to the Spanish Minister for Foreign Affairs, relative to the establishment of a Prize Court by Admiral Pareja on board his flag-ship, I have now the honour to forward to your Lordship a copy and translation of his Excellency's reply to my communication, dated the 11th instant, but which I did not receive till late last night.

Your Lordship will observe that Señor Bermudez de Castro, after vindicating the conduct of the Admiral, and alleging that the arrangement made by him is to the advantage of neutrals, concludes by stating that if Her Majesty's Government persist in requiring that a Prize Court be established in a Spanish port, Her Catholic Majesty's Government have no objection that this should be done.

I have, &c.
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 82.

Señor de Castro to Sir J. Crampton.

(Translation.)

Sir, *Palace, December 11, 1865.*
I HAVE had the honour of receiving your Excellency's note of the 5th instant, in which, with reference to the capture of the steamer "Matias Cousiño," under the British flag, by the forces of General Pareja, you qualify the establishment of a Prize Court on board the frigate "Villa de Madrid" as "novel, inadmissible, and contrary to the principles of the law of nations," at the same time that you assert the right of neutrals to be judged before a tribunal established in the territory of the captor.

In submitting to the consideration of your Excellency the reasons which I am about to state to you in reply, it is not my intention to support by them a refusal of the wishes of the British Government in regard to the point where a Tribunal, which should replace that established by General Pareja, would have to be situated.

The Government of Her Majesty, which has given such repeated proofs of the rectitude of their views, and of the good dispositions by which they are animated towards neutrals, can have no interest in the designation of the place where the Prize Court should exercise its functions, and if this matter is now made the subject of observations

on my part, they have no other motive than the necessity of defending the Commander of the Spanish forces against the unjust and unfounded censure which is made of his acts in your Excellency's note, when the principal motive of those acts, upon the occasion in question, has been the convenience of neutrals, without its being possible to be said that he has acted in manifest opposition to the principle of international law applicable to subjects.

The Spanish ports nearest to the point which is occupied by the Spanish squadron, are those of the Island of Cuba, and those of Puerto-Rico, or those of the Philippine Islands, and if a Prize Court was established in any of them, a time exceeding two months would have to be employed in order to take to those waters the prizes captured by the Spanish vessels of war. This being the case, if the trial was to result in an acquittal, the delay suffered during the voyage to the place where the Tribunal was situated, would redound to the injury of the captured vessel, while, on the other hand, supposing the trial to be held at the place where the capture was made, every unnecessary prejudice would be avoided, because the trial would immediately follow the capture, and when the sentence was favourable, the vessel would recover its liberty in a short space of time.

In like manner, in case of the condemnation of the prize, the arrangement of General Pareja is advantageous to the captured vessels. The declaration of "good prize" which may be made by the Tribunal over which this officer presides, would have to be submitted to the Council of State, which necessitates an employment of time, by no means indifferent, which would aggravate the detention caused by taking the prize to a port in Spanish territory, and when the said Court of Appeal should reverse the sentence of the inferior Court, it would result that between the day of the capture and that of the restitution of the prize, there would have elapsed a space of time which would exceed five months, while, on the other hand, by the operation of the Tribunal constituted by General Pareja, the judicial proceedings in regard to prizes which were condemned, would come directly (to Spain) by means of the channels of public correspondence, and the definitive decision before the Council of State would be much abbreviated, causing a notable diminution of the prejudices resulting to the captured.

If this appears to be the case, examining the question under the point of view of convenience to the interests of neutrals, also under the point of view of the doctrine laid down by publicists, reasons are to be found, which at the least exclude every idea of arbitrariness in the conduct of General Pareja.

In agreeing that a Tribunal established in the territory of the captor should be that which should judge the captured, the expounders of international law cannot have done otherwise than to found this principle upon the respect owing to the independence of nations, which does not permit or recognize any superior judge who may appreciate or qualify acts which properly belong to them.

From this same independence is derived the right which vessels of war have to be considered as an integral part of the territory of the nations to which they belong, and consequently an act of special jurisdiction, as is that of pronouncing judgment upon a prize which takes place on board a vessel of war, ought not to be considered as taking place out of the territory of the country whose flag it carries.

This is the case in regard to the Tribunal established by General Pareja, and as moreover, in consequence of the circumstances that the vessel in which the said Tribunal is established in blockading an enemy's port, which according to the opinion of all publicists, remains, so long as the blockade lasts, under the Empire of the blockading nation, it results that, if the proceedings of General Pareja is not strictly in accordance with the doctrine which your Excellency invokes, neither is it in open opposition to it, as the British Government supposes.

With respect to the presumption of partiality which it is pretended may be deduced from the situation of the judges who compose the above-mentioned Tribunal, I am of opinion, that even setting aside the high rank and honourable past services of the Spanish squadron, there is an absence of any reason for harbouring the slightest suspicion of injustice in the decisions of the Tribunal over which he presides, considering that they will have to receive the confirmation of the Council of State, before which is allowed the most ample defence of the captured vessels.

With respect to the prizes taken from the enemy, it is unnecessary to prove the authority which the Commander-in-chief of our squadron possesses to judge them, since, if the rights of war authorize him to destroy them, as is shown by recent examples in the sanguinary struggle of the United States, with how much more reason could that Commander take into consideration as judge the cases of capture of vessels belonging to the enemy by the forces under his orders?

What is above set forth is sufficient, in my opinion, to demonstrate that the conduct of General Pareja does not offer either occasion or motive for the censure which the British Government makes of it, disregarding the noble and disinterested end to which it was directed; and it only remains for me, now that I have fulfilled the duty of justifying the acts of the distinguished Commander of the Spanish forces, to make known to your Excellency that even, although the convenience to neutrals is involved in the subsistence of the Tribunal established on board the "Villa de Madrid," the Government of the Queen has no objection that another should be constituted in a Spanish port, if the British Government persists in their desire that this should be done.

I avail, &c.

(Signed) BERMUDEZ DE CASTRO.

No. 83.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, December 16, 1865.

I HAVE to instruct you formally to propose the good offices of Her Majesty's Government for the purpose of putting an end to the state of war which now unfortunately exists between Chile and Spain, and to submit to the Minister for Foreign Affairs the terms upon which the Governments of England and France, after anxious deliberation, consider that these differences may be arranged with due regard to the honour and dignity of the contending parties.

You will find in despatches of Sir J. Crampton, copies of which are inclosed,* that the good offices of England and France have been accepted in a conciliatory spirit by the Government of Her Catholic Majesty, and it is earnestly hoped that they will be received in a corresponding manner by the Government of Chile.

Much might be said upon the misunderstandings which have characterized the whole of this unhappy dispute, but Her Majesty's Government purposely abstain from entering upon either the merits or the details of the question, as the object they have at heart is, by an honourable reconciliation, to terminate a state of things which must become more and more disastrous to Chile and to Spain, and more especially to the foreign trade with which the prosperity of Chile is so closely connected, and which, unless upon grounds that cannot be impugned, it would be the height of imprudence to endanger.

Her Majesty's Government are of opinion that such grounds would exist if the apprehensions of the Chilean Government, as expressed in the note of Señor Covarrubias to the Corps Diplomatique, were well founded, and that it was the intention of Spain to attack, or even to menace the independence of the South American Republic; but in the memorandum of terms this apprehension is effectually removed by the explicit declaration which Spain has agreed to and is prepared to make public.

With respect to the salute, Her Majesty's Government understand that the Spanish flag shall be hoisted, and that upon the first gun being fired from a Chilean fortress, it shall be responded to by a Spanish ship of war, and that twenty-one guns shall be fired alternately gun for gun.

Her Majesty's Government have full reliance on the rectitude and the pacific intentions of the Chilean Government, and they consequently hope that terms which England and France consider honourable to Chile, will be accepted in the spirit in which they are offered.

You will act in entire concert with your French colleague, who will receive similar instructions.

Her Majesty's Government have reason to believe that the Prussian Chargé d'Affaires will be instructed to co-operate with you and the French Chargé d'Affaires towards inducing the Chilean Government to accept the good offices of England and France, and should this be the case you will avail yourself of such assistance as he may be able to afford.

I am, &c.

(Signed) CLARENDON.

* Nos. 61, 62, 64, and 75.

No. 84.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, December 16, 1865.

WITH reference to my previous despatch of this day, inclosing a memorandum of the terms on which Her Majesty's Government, and that of France, consider that the differences between Spain and Chile may be arranged, I have to state to you that if it should appear that the two parties on the spot are willing to come to an arrangement on other terms, you will be at liberty, in conjunction with your French colleague, to promote an arrangement on any terms which shall appear to be more acceptable to them than those contained in the memorandum.

I am, &c.

(Signed) CLARENDON.

No. 85.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, December 16, 1865.

I HAVE received your despatch of the 30th of October, explaining the circumstances which led to your withdrawing the note you had addressed to the Chilean Government in regard to certain Edicts issued by them affecting the interests of Spanish subjects in Chile.

In reply, I have to state to you that Her Majesty's Government approve of your proceedings in this matter; and I have to instruct you to inform the Chilean Government that the note addressed by you to the Minister for Foreign Affairs is entirely approved of by Her Majesty's Government, as being a friendly warning that the proceedings of the Chilean Government were at variance with the practice of civilized nations, and that if persisted in would render necessary a public intimation to British subjects of the danger with which domicile and business transactions in Chile may be attended.

I am, &c.

(Signed) CLARENDON.

No. 86.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, December 16, 1865.

SINCE my previous despatch of this date,* in reply to your despatch of the 30th of October, was written, I have considered, in consultation with the Law Officer of the Crown, your despatch dated the following day, inclosing Admiral Pareja's request that British protection might be extended to Spaniards detained as prisoners or hostages by the Chilean Government.

Her Majesty's Government would not object to your extending such protection to them, after having announced to the Chilean Government that you have been authorized by Her Majesty's Government to do so.

I have already informed you that your proceedings in remonstrating against the Decrees against Spaniards issued by the Chilean Government were approved. It is quite consistent with strict neutrality that foreign States should strongly remonstrate against the principle involved in those Decrees, which was at variance not only with the general international usage of modern times, but with the express obligations of Treaty, and that in a matter so nearly and deeply affecting every civilized State.

Her Majesty's Government trust that the Chilean Government will take no steps by which the lives of innocent subjects of Spain, a Power in alliance with Great Britain, and who are peaceably residing in the Republic from which the Chilean Government will not allow them to depart, may be put in jeopardy, but in the contrary case you will use your utmost endeavours to preserve them, not concealing from the Chilean Government that any proceedings of the kind would be viewed in a very serious light by Her Majesty's Government.

I am, &c.

(Signed) CLARENDON.

No. 87.

The Earl of Clarendon to Mr. Thomson.

(Extract.)

Foreign Office, December 16, 1865.

YOU will continue to refuse to recognize as a legitimate Prize Court the ship of the Spanish Admiral. On this point I inclose, for your information, a copy of a despatch received this morning from Her Majesty's Minister at Madrid,* inclosing the answer of the Spanish Government to the remonstrance which Sir J. Crampton was directed to address to it. This answer will be immediately considered, but I see no reason to anticipate that Her Majesty's Government will take a different view of the matter from that which has already been communicated to you.

I am, &c.
(Signed) CLARENDON.

No. 88.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, December 16, 1865.

I HAVE received your despatch of the 30th of October, respecting an arrangement made by Commodore Harvey, of Her Majesty's ship "Leander," with Admiral Pareja, in regard to certain points connected with the blockade of the Chilean ports; and I have to acquaint you, that Her Majesty's Government approve of that arrangement, subject of course to the understanding that the list of blockaded ports referred to in that arrangement is accepted by Her Majesty's Government under the condition that such ports are actually and *de facto* blockaded by a force adequate for the purpose, and that neutral vessels seized on the allegation that they are endeavouring to break even these blockades, are to be legally tried before a properly constituted tribunal.

I am, &c.
(Signed) CLARENDON.

No. 89.

Sir J. Crampton to the Earl of Clarendon.—(Received December 17.)

My Lord,

Madrid, December 13, 1865.

WITH reference to my despatch of the 5th instant, inclosing copy of a note which I addressed to the Spanish Minister for Foreign Affairs, respecting a notice published in the "Gazette" of Madrid by the Ministry of the Marine in regard to privateers under the Chilean flag, I have now the honour to forward to your Lordship a translation of the reply of Señor Bermudez de Castro to my representation.

This, though dated the 11th, did not reach me until late last night.

The Spanish Minister for Foreign Affairs, in this communication, maintains that the order in question is in conformity with the law of nations, and based upon precedents to which he refers; and expresses a wish to be informed upon what grounds its propriety is questioned by Her Majesty's Government.

I have, &c.
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 89.

Señor de Castro to Sir J. Crampton.

(Translation.)

Sir,

Palace, December 11, 1865.

I HAVE had the honour to receive your Excellency's note of the 5th instant, in which, with reference to the public announcement in the "Gazette" of the 28th ultimo by the Minister of the Marine, respecting the treatment which will be given to the privateers which do not observe the conditions which are enumerated in the said announce-

ment, your Excellency says to me that the Government of Her Britannic Majesty consider that those instructions are contrary to the law of nations, which never has looked upon as pirates the subjects of a nation who, in time of war, enlist themselves in the service of another. As your Excellency points out to me in your note, your Government moreover believes that foreign Governments, whose subjects may be treated as pirates in virtue of those regulations, will not consent to such a proceeding.

To avoid doubts, and in order to define better the opinion of Her Britannic Majesty's Government, it would have been well that your Excellency had made especial mention of the principle on which you rely, in order to claim protection in favour of those who devote themselves to privateering, "that scourge of humanity, and legal and organized piracy," as with so much eloquence Lord Clarendon, the present British Minister for Foreign Affairs, designated it. And it would have been so much the more proper to cite this principle, in so much as the authors of the greatest reputation who have written upon the laws of nations, profess opinions in general different from those which the English Government now supports.

"If privateers, citizens of a neutral nation," say Pistoye et Duverdy (*Prises Maritimes*, pages 173, 174, 179), "are authorized by their Government to take letters of marque from one of the belligerents, when taken they ought to be treated as prisoners of war, requiring from their Government the observance of the laws of neutrality. If, on the other hand, those individuals shall have accepted letters of marque, disregarding the laws of their country and shall have been taken, then they ought without any doubt to be treated as pirates."

Ortolan sustains the same opinion, grounding it (page 262 and 263) upon the principle that if it is legitimate that a nation unites against its enemies all its means of war, its subjects, and its mercantile marine, "how can it be justified," says this writer, "that it should call into its service the private individuals of a neutral nation? How can the citizens of a country which is at peace take part in a war? No nation could recognize the nationality of a vessel in this situation, to which it had not given permission to arm itself: neither could it claim the nationality of the country which gave the letters of marque, because it would not fulfil the conditions which constitute its nationality, and in this respect the said vessel would not be legitimately covered by any flag whatever, and its acts, according to the law of nations, would be acts of piracy."

"The subjects of a neutral nation," says Hautefeuille (vol. i, page 440), "who, disobeying the orders of their Sovereign, arm themselves in war under the flag of a belligerent, if they fall into the power of the other belligerent against whom they voluntarily carry on war, will be treated not as legal enemies, but as pirates."

Mr. Wildman also sustains (vol. i, page 122), "that letters of marque can only be given to citizens, either native or domiciliated, whom the Sovereign who grants them is obliged to protect."

Many other writers could be quoted, which I suppress for the sake of brevity. And if this is the opinion of authors, if these rules ought to be observed by us, the practice and the example given by other nations establish precedents which cannot be rejected.

The French Vice-Admiral, M. Charles Baudin, with reference to a project of regulation of privateering which the Government of Mexico had proposed to its Congress, addressed on the 8th of January 1839, a communication to the Minister of War and Marine of that Republic, in which, among other things, he said, "no other ships will be considered to be Mexican except those armed in one of the ports of Mexico, and provided with letters of marque, regular, and emanating directly from the Government of that country, whose captain, and at least two-thirds of whose crew are natives of Mexico. Every privateer under the Mexican flag which does not fulfil these conditions will be considered as a pirate, and as such treated with all the severity of the laws of war."

And not only does it not appear that any Government protested against this declaration of Vice-Admiral Baudin, but there is reason to believe that, if during the war of the Crimea between the allies and Russia, the latter had succeeded in placing the letters of marque which she desired in the United States, and that any of the privateers had fallen into the power of the allies, they would have been treated as pirates.

But that which Spain now exacts to legalize the nationality of the privateers is less than what M. Baudin required; and if the Government of Great Britain then kept silence, I do not understand on what they can ground the claims which your Excellency's note contains. That which was legal for France, ought to be so, and is so, now for Spain, who finds herself in an analogous case. And this change of opinion in the manner of regarding privateering was so much the less to be expected from the British Government since the Treaty of Paris, taking into account the words which, in order to qualify it and to defend its suppression, were pronounced by the distinguished British Plenipotentiary in

Parliament. The impartiality of Spain in this question is made more apparent, taking into account that in spite of the aggression of Chile, she did not desire to make reprisals by issuing letters of marque, although she was entitled to do so, and reserves to herself this right for such time as it may suit her to put it into practice.

England herself declared already in 1794, by her Treaty with the United States, that the subjects of each nation which should carry on privateering against either of them should be considered pirates; and even if this example should not be exactly in conformity with the case in question, and which relates to a Chilean privateer armed contrary to the law of nations, that is to say, inasmuch as the number of neutrals of its crew predominates, it proves nevertheless that Great Britain has admitted, since that time, and even at earlier periods, the principle.

On the other hand, the neutral Powers are under the obligation of prohibiting the armaments and enlistments of their subjects in order to carry on hostilities against nations with which they are at peace. An English subject, for example, who enlists himself to carry on privateering against Spain, prepares to commit an act contrary to the laws of his own country. If he does not do so with reference to the laws of Spain, which is the party that he is about to injure, he runs the risk knowingly and at his own peril, that the Spanish law may be applied to him, and his own Government has no right to give him protection, nor to oppose the regulations adopted by the country against which the said subject disposes himself to make war.

It appears to me to be useless to make evident the difference which exists between the subjects of a nation who enlist themselves in the war service of another and those who accept letters of marque. The former serve the nation which employs them, and the second work for their own profit and at the cost of the commerce of the other belligerent.

Being ignorant, I repeat, of the principle upon which the Government of Her Britannic Majesty found their representation, the Government of Her Catholic Majesty rest their determination in the opinion of the most accredited publicists, and, above all, upon the precedent established with much greater severity and with greater restrictions by the Government of France, which accepted the declaration of their Vice-Admiral Baudin, of the 8th of January 1839, against which no foreign Government whatever appears to have protested.

Requesting your Excellency to make known to your Government these considerations and precedents, which Spain has taken into account in dictating the order which is the subject of the note of your Excellency to which I now reply.

(Signed) MANUEL BERMUDEZ DE CASTRO.

No. 90.

Sir J. Crampton to the Earl of Clarendon.—(Received December 18.)

My Lord,

Madrid, December 13, 1865.

WITH reference to my despatch of December 4, inclosing the copy of a note which I addressed to the Spanish Government, complaining of the conduct of the Commander of the Spanish ship of war "Berenguela" at Coquimbo, I have now the honour to inclose a copy and translation of the reply which has been returned to my communication.

The Spanish Minister for Foreign Affairs observes, that he is unable to understand what are the grounds of the complaint made against the Commander of the "Berenguela." Not having any knowledge of the facts, his Excellency supposes that the Commander in question acted either in consequence of orders from his superior or in consequence of some hostile act on the part of the inhabitants of Coquimbo, in either of which cases Señor Bermudez de Castro considers that the Commander of the "Berenguela" would be justified in his conduct.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure in No. 90.

Señor de Castro to Sir J. Crampton.

(Translation.)

Sir,

Palace, December 11, 1865.

I HAVE received the note which your Excellency was pleased to address to me, dated the 2nd instant, in which you complain of the conduct which, according to information from the British Acting Consul at Coquimbo, had been pursued by the Commander of the Spanish vessel of war "Berenguela," which was blockading the said port, in menacing to bombard the town. Your Excellency adds, that if the said Commander was to persist in this conduct, or if other officers were to imitate him, a situation would arise which would cause infinite regret to the Government of Her Britannic Majesty.

I do not understand what motive for complaint the British Government can have against the Commander of the "Berenguela," who is blockading Coquimbo, because, as the said Consul asserts, he may have menaced to bombard the port.

Supposing the fact to be so, a circumstance, however, of which I have no knowledge, the commander of this Spanish frigate has acted either according to the instructions of his Commander-in-chief, or he has been impelled by some act of hostility of the authorities, or the inhabitants of Coquimbo. In both cases he was in the right, and only in the first case could neutrals require with justice that a prudential limit of time should be fixed, in order to enable them to place their persons and property in security.

The limit of forty-five days fixed by General Pareja for the blockade is a favour which he makes to neutrals; and particular circumstances might induce him to shorten that space of time, and to commence hostilities without any other requisite than that of previously announcing them. The very menace of the commander of the "Berenguela" to which the British Acting Consul refers, is even in itself a warning to those who, since they have seen the refusal of Chile to give us proper satisfaction and the attitude assumed by Spain, ought to consider themselves as advised in regard to any contingency whatever.

Not knowing, I repeat, the circumstances of the case to which your Excellency refers in the note which I have now the honour to reply, I cannot direct myself to any one particular fact; but, calculating that the conduct which is supposed to have been observed by the Commander of the "Berenguela" cannot have been other than the consequence of one or the other of the two causes which I have referred to, I confidently hope that the reasons which I have alleged will be satisfactory to the Government of Her Britannic Majesty, and that the justifiable conduct of the Commander of the Spanish squadron in the Pacific will never give rise to the state of things which is stated, and which the Government of Her Majesty would regret as much as that of Great Britain.

I avail, &c.

(Signed) MANUEL BERMUDEZ DE CASTRO.

No. 91.

The Earl of Clarendon to Lord Napier.

My Lord,

Foreign Office, December 19, 1865.

I HAVE to state to your Excellency that I approve your language to Count Bismarck, as reported in your despatch of the 10th instant, respecting the steps which his Excellency had informed you that he was taking with regard to the dispute between Spain and Chile.

Her Majesty's Government have learnt with satisfaction that it is the intention of the Prussian Government to support the policy adopted by Great Britain and France in this matter.

I inclose, for communication to Count Bismarck, copy of a memorandum* stating the terms on which Her Majesty's Government propose to use their good offices to promote the settlement of the differences between the two countries; and you will state to his Excellency that Her Majesty's Chargé d'Affaires in Chile has been instructed to avail himself of the co-operation of the Prussian Chargé d'Affaires, if the latter has been instructed to offer it.

I am, &c.

(Signed) CLARENDON.

* Inclosure in No. 56.

The Earl of Clarendon to Sir J. Crampton.

Sir, *Foreign Office, December 20, 1865.*

I HAVE received your despatch of the 13th instant, inclosing the answer of the Spanish Government to the representations which I directed you to address to it respecting the threatened bombardment of Coquimbo.

M. Bermudez de Castro professes not to understand what motive for complaint the British Government can have against the Commander of the Spanish vessel which is blockading Coquimbo, because he may have menaced to bombard the port. You will state to the Spanish Minister that what the British Government complain of is, that only one hour's notice was to be allowed to foreign residents to quit the town in the event of the Spanish Captain carrying his threat into execution.

I am at a loss to understand what M. Bermudez de Castro alludes to when he says that "the limit of forty-five days fixed by General Pareja for the blockade is a favour which he grants to neutrals" ("el termino de cuarenta y cinco dias señalado por el General Pareja para el bloqueo es un favor que hace á los neutrales").

The only terms granted by Admiral Pareja to neutrals, as far as Her Majesty's Government are aware, is that specified in his note to the British Chargé d'Affaires and Consul-General of the 24th of September, in which he says that "he has determined to allow a space of ten days, in order that the vessels of neutral nations in the ports of Chile at the notification of the blockade to their respective Consuls may sail out, whether laden or in ballast ("ha determinado dar un plazo de diez dias para que los buques mercantes neutrales que, al notificar á sus respectivos Consules el bloqueo, se hallasen en los puertos de Chile, puedan salir de ellos ya cargados o en lastre").

You will endeavour to ascertain from M. Bermudez de Castro to what notice given by Admiral Pareja he alludes in his letter of the 11th of December.

I am, &c.
(Signed) CLARENDON.

Mr. Lettsom to Earl Russell.—(Received December 20.)

My Lord, *Monte Video, November 14, 1865.*

FOR some days it having been reported that the Chilean Government had empowered Señor Lastarria, the Chilean Minister at Buenos Ayres and here, to issue letters of marque at these places to vessels to seize Spanish merchant ships in these waters, I thought it proper to speak yesterday to Dr. Carlos de Castro upon the matter.

I inquired of his Excellency whether the report were well founded, and should it be so, what course the Government would take.

Dr. de Castro told me the question had been discussed by his colleagues and himself, and that the resolution of the Government was not to allow such vessels to be fitted out here.

He did not tell me distinctly that Señor Lastarria had asked the permission of the Government to fit out privateers at this port, and, in point of fact, I believe no such permission has been applied for; but he told me most distinctly that the Chilean Minister had, a few days since, requested this Government, in writing, to consent to such prizes as might be taken being sold here.

I told him that as the Government had determined not to permit the equipment of Chilean privateers, I presumed they would not permit the carrying out of acts that are but a consequence of such an equipment. He replied that the inference I drew was a sensible one, but that he was not, as yet, in a position to tell me positively what would be the resolution of the Government upon this point. He added that he had consulted the Argentine Government on this matter, to learn what course they would take, but that, as yet, he had received no reply to that communication.

I have since learnt from the Spanish Chargé d'Affaires here, that Señor Elizalde has acquainted Señor Creus, the Spanish Representative at Buenos Ayres, that the Argentine Government will object in the most positive manner to the sale of any of these contemplated Chilean prizes being effected in any of the ports of the Republic.

I told Dr. de Castro I hoped the Government of Uruguay would preserve the most complete neutrality in the contest between Chile and Spain, and I added that the seizure of freights of Spanish vessels will be seriously felt in the Customs revenue here.

He assented to this observation, and remarked in continuation that one of the main exports of this country consists of jerked beef, the revenue derived from which the Government could but ill afford to lose.

From this conversation I think I am justified in hoping this Government will refuse their assent to the sale in the ports of this country of any prizes that Chilean privateers may take, and I am under the impression that the assurance given me by Dr. de Castro as to the Government objecting to such privateers being fitted out here may be relied on.

I hold it to be of great importance to the commerce of all nations trading with this country, that no privateers should be permitted to fit out either here or at Buenos Ayres on the plea of attacking the commerce of Spain; for, with the lawless set of adventurers of which the commanders and crews of such vessels would consist, I do not think the merchant-ships of other nations would be at all safe. My French colleague, to whom I have spoken upon this matter, tells me he is quite of my opinion on this point, and that he purposes writing to his Government in this sense by the mail of to-morrow.

As far as I can ascertain, no vessels have been as yet bought or chartered by Señor Lastarria for privateers. All that has been done by him up to this time consists, I believe, of engaging some ninety-six adventurers at Buenos Ayres, and establishing a receiving-house here for the enlistment of volunteers.

I have, &c.
(Signed) W. G. LETTSOM.

No. 94.

Mr. Thornton to Earl Russell. — (Received December 20.)

(Extract.)

Rio de Janeiro, November 22, 1865.

UPON receiving Mr. Lettsom's despatch of the 14th instant to your Lordship, which he sent me under flying seal, and which I forward by this packet, I called upon M. Saraiva and expressed my hope that with reference to the present war between Spain and Chile, the Brazilian Government would prevent any privateers from being fitted out or equipped, or prizes which might be made by Chilean or Spanish privateers from being sold, in Brazilian ports.

M. Saraiva at once showed me the draft of a Circular which had already been sent to the Presidents of the seaboard Provinces, enjoining them to give orders, and take care, that no privateers should be allowed to be fitted out or equipped in ports under their jurisdiction.

With regard to the sale of prizes in Brazilian ports, M. Saraiva informed me that no decision had as yet been come to by his Government; but he did not seem to doubt that that would also be forbidden.

No. 95.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, December 20, 1865.

M. BERMUDEZ DE CASTRO, in his letter of the 11th of December, of which a copy was inclosed in your despatch of the 13th, appears to consider the arrangement made by Admiral Pareja, against which you were instructed to remonstrate, for holding a Prize Court on board his flag-ship, to be for the advantage of neutrals; but Her Majesty's Government are glad to observe that if the British Government persist in requiring that a Prize Court should be established in a Spanish port, the Government of Spain will offer no objection to its being so ordered.

You will state to M. Bermudez de Castro that Her Majesty's Government do persist in their objection.

A neutral has, by international law, a right to expect that a Civil judge of sufficient legal experience and ability, and wholly disinterested in the issue, shall try the question whether his ship has been lawfully seized or not. But the Spanish Government propose that the captor himself, who is the other party in the suit, who moreover, has no pretension to any legal qualification whatever, shall occupy the judgment-seat.

Again, by the course proposed, the neutral is deprived of his right to obtain the best legal advice to defend his interests and to argue before the Court questions which often require great legal knowledge properly to deal with them.

It is a poor compensation for the absence of these essentials of justice that the neutral should be told that his captor will decide the question of his own right to take the neutral ship with great expedition.

The argument that a man-of-war is part of the State to which it belongs is an undeniable premise of international law, but it does not warrant the conclusion that a Prize Court on board a man-of-war, presided over by the Admiral, is the same as a Prize Court on main land, presided over by a Civil judge. Such an argument is wholly unsupported by authority.

It may be inconvenient to Spain to establish a Prize Court at Cuba or elsewhere, and the Spanish Admiral may have no ships to spare to conduct prizes to the place where the Court is established, but that is no reason why neutral ships should suffer wrong; if anything, it is a reason why Spanish cruisers should abstain from interfering with neutrals.

Her Majesty's Government do not dispute the right which M. Bermudez de Castro claims for belligerents, of destroying the ships of their enemies, and therefore of trying them any way they please; but Her Majesty's Government do dispute the right of a belligerent to destroy a ship claimed by one of Her Majesty's subjects, because the belligerent declares it to be the ship of an enemy, without adopting the course, alike prescribed by national justice and international usage, of trying the question at issue in a court of law.

You will address a letter to M. Bermudez de Castro, to the effect of what I have now stated, and you will express the earnest hope of Her Majesty's Government that the Spanish Admiral will be immediately instructed to desist from a course in which it is not to be expected neutral nations can acquiesce.

I am, &c.
(Signed) CLARENDON.

No. 96.

Mr. Hammond to the Secretary to the Admiralty.

Sir,

Foreign Office, December 20, 1865.

I AM directed by the Earl of Clarendon to acknowledge the receipt of your two letters of the 15th instant, reporting the arrangements entered into by Commodore Harvey with Admiral Pareja, in regard to the blockade of Chilean ports by the Spanish squadron; and I am to state to you, for the information of the Lords Commissioners of the Admiralty, that his Lordship is of opinion that Commodore Harvey's conduct was extremely judicious, and that his arrangements with the Spanish Admiral are very favourable to neutral commerce.

I am, &c.
(Signed) E. HAMMOND.

No. 97.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, December 21, 1865.

I RECEIVED on the 14th instant your despatch of the 10th, inclosing the answer of the Spanish Government to the proposal which, in conjunction with the French Ambassador, you had made to it, as to the terms on which, in the opinion of the English and French Governments, a reconciliation might be brought about between Spain and Chile.

Her Majesty's Government learned with satisfaction that the Spanish Government concurred in that proposal, and I accordingly instructed Her Majesty's Chargé d'Affaires in Chile, by the mail of the 18th instant, to make, in conjunction with his French colleague, the same proposal to the Chilean Government; but as I understood from the French Ambassador that M. Drouyn de Lhuys had thought it advisable to leave a certain amount of discretion with the French Chargé d'Affaires, the same authority was given to Mr. Thomson, and he was informed that if the two contending parties on the spot were willing to come to an arrangement on other terms, he would be at liberty, in conjunction with his French colleague, to promote an arrangement on any terms which should appear to be more acceptable to them than those contained in the memorandum.

Her Majesty's Government trust that the unfortunate difference between Spain and Chile may now be considered to be in a fair way towards an amicable settlement ; but at all events it is due to the Spanish Government that you should express to M. Bermudez de Castro the satisfaction which their readiness to adopt the course suggested by the Governments of England and France, and to accept the good offices of the two Governments on this occasion, has afforded to the Government of Her Majesty.

I am, &c.
(Signed) CLARENDON.

No. 98.

*The Earl of Clarendon to Mr. Thornton.**

Sir,

Foreign Office, December 22, 1865.

THE breaking out of hostilities between Spain and Chile has naturally attracted the attention of the Government to which you are accredited, but Her Majesty's Government are glad to perceive that there is no disposition on the part of that Government, or of those on the same side of the South American Continent, in any way to countenance the course which Chile has announced its intention to pursue, of issuing letters of marque to cruise against the commerce of Spain. Although by declining to accede to the Declaration of Paris, Spain has laid herself open to be assailed in this way by Chile, notwithstanding that the latter Power has, as regards other Powers who did accede, precluded itself by its own accession from a similar practice if engaged in hostilities with any of them, yet it certainly behoves all acceding Powers,—and Her Majesty's Government are glad to observe that the obligation is recognized by the Government to which you are accredited,—to discountenance and to thwart, by the assertion of their own rights of territorial sovereignty, and by prohibiting the sale within their jurisdiction of prizes taken by Chilean privateers,—a practice which has been generally, and with very few exceptions, renounced as a measure of war.

Her Majesty's Government trust that the war between Spain and Chile will be of short duration. They pronounce no opinion on the merits of the case, and indeed it would be improper of them to do so, when they have tendered to both belligerents their good offices, in conjunction with the Government of France, to bring about a reconciliation between them.

Their overtures have been met at Madrid in a becoming spirit, and it may be hoped that they will be equally so at Santiago ; and if this should prove to be the case, peace will shortly be re-established between the contending parties.

In the present state of the matter, however, it would not be proper to explain to other Powers the exact course that the Government of England and France have been and are pursuing for this purpose. It is enough that you should be enabled to state to the Government to which you are accredited, that England and France are employing their best efforts in the interest of peace, and have, as they trust, reasonable grounds for expecting a successful issue, by which all cause of quarrel will be removed on terms equally honourable to both belligerents.

I am, &c.
(Signed) CLARENDON.

No. 99.

Lord Napier to the Earl of Clarendon.—(Received December 25.)

(Extract.)

Berlin, December 23, 1865.

IN conformity with the tenor of your Lordship's instruction of the 19th instant, I waited on Count de Bismarck yesterday afternoon and stated to his Excellency the satisfaction with which Her Majesty's Government had learned that the Prussian Cabinet was disposed to afford its support to the measures of England and France for the restoration of peace between Spain and Chile.

I also stated that Her Majesty's Chargé d'Affaires in Chile has been instructed to avail himself of the co-operation of the Prussian Chargé d'Affaires if the latter should be charged to offer it.

* Similar despatches were addressed to Mr. Lettsom and Mr. Ford.

Count de Bismarck stated that he had instructed the Prussian Chargé d'Affaires generally in the sense desired, but that he would address a despatch to that gentleman directing him more particularly to afford his co-operation and support to the Representatives of Great Britain and France.

No. 100.

Mr. Thomson to Earl Russell.—(Received December 30.)

My Lord,

Santiago, November 15, 1865.

IN the Customs bonded warehouses at Valparaiso are deposited about 20,000,000 dollars worth of merchandize belonging to British merchants. Shortly after the blockade was established by Admiral Pareja, the belief was prevalent that it was his intention to bombard such portions of the town as belonged to the Chilean Government, and under the influence of this fear several of the principal British merchants petitioned, but without my knowledge, the Chilean Government for permission to remove their goods from those bonded warehouses to other warehouses, either in that city or in Santiago, and by a Decree of the President of the Republic, dated the 29th of September, the petition was rejected. Subsequently, this circumstance having at the request of the merchants been communicated to me by Her Majesty's Consul at Valparaiso, I brought the matter afresh under the consideration of the Chilean Government, and obtained under certain conditions the permission they desired. Those conditions were communicated by me to the British commercial community at Valparaiso, through Mr. Rouse, and a meeting having been called by them they resolved not to avail themselves at present of the concession granted. At the same time they state their opinion that the conditions imposed by the Chilean Government are of too onerous a nature, and conclude by expressing their obligations to me for the interest I had taken in the matter.

I have the honour to inclose a copy of the correspondence which has passed on this subject; and I may add that I have informed the Chilean Government verbally of the determination which the British merchants have for the present taken.

I have, &c.

(Signed)

WM. TAYLOUR THOMSON.

Inclosure 1 in No. 100.

Consul Rouse to Mr. Thomson.

(Extract.)

Valparaiso, October 16, 1865.

SUBSEQUENTLY, some of the British merchants placed in my hands the printed paper which I have the honour to inclose herewith, and called my attention to the fact that it contained the copy of a Decree issued on the 29th ultimo by the Chilean Minister of the Treasury, refusing the petition of several foreign merchants of the place that license might be granted to remove their goods from the Customs bonded warehouses to those belonging to individuals; the goods, however, always remaining under the control of the officers of Customs, either here or in the capital: in other words, to remove their goods without payment of duties from one kind of bonded stores to another.

My attention was further called to the fact, as mentioned in the same paper, that the petitioners had represented what serious apprehensions they entertained, looking to the present circumstance of war between Chile and Spain, lest public and private property might suffer from bombardment; and that the total value of such property might be estimated at about 20,000,000 dollars in Customs bonded and private warehouses of this port; that therefore they had petitioned for the license to remove their goods from the Customs bonded warehouses here, either to private stores under the superintendence of Customs or to Santiago, whichever might appear most convenient, and upon the condition, in the case of removal to Santiago, that the keys of the warehouses in which their goods might be deposited should be placed in the hands of the proper revenue officers, but always leaving the petitioners free to clear such part of their goods for home consumption or for re-exportation as they might need.

With reference to this subject, it was observed to me that the greater part of these goods consisted of articles of necessary consumption in the Republic, and that the only reason which the heads of the Customs Department, whom the Treasury Minister had

consulted, had given for the negative was, that the 19th Article of the regulations of Customs expressly ordered that the deposit must be in the Customs bonded warehouses.

I am therefore requested to make these matters known to you, Sir, and to express the hope that you may see fit to move the Chilean Government to reconsider their negative decree, and to modify it in accordance with the prayer of the petition.

Inclosure 2 in No. 100.

Decree by the President of the Republic, September 29, 1863.

(Translation.)

Santiago, September 29, 1865.

IN view of the foregoing application and the Report of the Ministers of the Customs at Valparaiso, I decree :

The foregoing application, in which the firms of Williamson, Balfour, and Co., Graham Rowe and Co., Gunston, Ledwards, and Co., and Schutte, Droste, and Co., merchants at Valparaiso, solicit permission to remove their merchandize from the Custom-house stores of that port to private stores under the custody of storekeepers of that Custom-house, or to this capital, cannot be granted.

Let this be noted and communicated.

(Signed)

ALEJANDRO REYES.

(Signed)

PEREZ.

Inclosure 3 in No. 100.

Mr. Thomson to Señor Covarrubias.

Sir,

Santiago, October 23, 1865.

AT the interview which I had the honour to hold with your Excellency on the 21st instant, one of the subjects under discussion was the refusal of the Chilean Government to accede to the representation of several of the principal British mercantile houses of Valparaiso to be allowed to remove the merchandize belonging to them now deposited in the Customs bonded warehouses of that port, to other magazines, or to stores in Santiago ; in either case, the goods remaining under the control and supervision of the Chilean Custom-house officers. It is unnecessary that I should trouble your Excellency here by a repetition of the arguments by which I endeavoured to obtain for them this measure of security against the threatened destruction of their property by Admiral Pareja, amounting in value to at least 20,000,000 dollars ; but the British commercial interests at stake are of such a magnitude that I cannot avoid once more earnestly calling upon the Chilean Government to reconsider the decision they have given before it be too late, and enable the British merchants who may choose it, to seek that security for their property which, I understand, the Chilean Government have themselves deemed fit to employ for the safety of the tobacco belonging to the " Estanco " Government monopoly.

I take, &c.

(Signed)

WM. TAYLOUR THOMSON.

Inclosure 4 in No. 100.

Señor Covarrubias to Mr. Thomson.

(Translation.)

Sir,

Santiago, October 24, 1865.

I HAVE had the honour to receive the note you have been pleased to address to me under date the 23rd instant, in which you call to mind that, at our interview of the 21st of the same month, one of the matters of discussion was the refusal of my Government to accede to the application of several of the principal mercantile houses at Valparaiso to remove their merchandize, deposited in the Custom-house stores, to another part of the same port or to Santiago, under the necessary security.

You say that you consider it unnecessary to repeat the arguments with which you then endeavoured to obtain that permission, but that you cannot do less than to impress upon the Government that they reconsider the foregoing refusal, and place British merchants in a position to seek that security which their large interests, threatened with destruction by the Chief of the Spanish blockading squadron, demand.

If my recollection is faithful, you did not at that interview decidedly support the application in question, and limited yourself to object to the motive which, in your opinion, dictated the refusal on the part of my Government. On my part, I also limited myself to rectify your opinion, manifesting to you the real considerations on which the resolution of the Government was based, which, at present, allow me to repeat. When the application was presented by the mercantile houses at Valparaiso, that port was under a commercial panic, produced by the fear of a bombardment; my Government did not participate in that fear, because they could not believe that the Chief of the Spanish squadron would meditate a hostile measure reprobated in the present case by the laws of humanity and the precepts of international law.

Acceding to the application would have co-operated to augment the panic, giving it, I may say, official support; and it would have appeared to acknowledge in the enemy a right which was, and is still, denied to him—the right to bombard an open town without fortifications like Valparaiso; and above all to direct the destructive action of his artillery against public buildings, such as the Custom-house stores of that port.

But, when I see that you support the application in question, after a recent conference with the blockading chief, I am inclined to think that the neutral interests in the Custom-house of Valparaiso do really run a risk. Consequently, I have hastened to transmit to my colleague the Minister of France the contents of your communication, requesting him to take them into consideration, and to inform me, for your knowledge, of the resolution he may adopt upon the matter.

In the meantime, presuming that you may have *bonâ fide* intelligence regarding the bombardment of Valparaiso, and still unable to persuade myself of the possibility that Admiral Pareja would commit an outrage so odious and barbarous, and which would cover with ignominy both himself and his Government, I venture to hope that you may be willing to communicate to me, if you can, the positive information you may have upon the matter.

If such information should present as imminent the extreme case contemplated, that would be a motive for my Government to sacrifice, perhaps, the grave obstacles to the concession of the permission solicited, to their ardent desire to protect and preserve neutral interests.

Accept, &c.

(Signed) ALVARO COVARRUBIAS.

Inclosure 5 in No. 100.

Señor Covarrubias to Mr. Thomson.

(Translation.)

Sir,

Santiago, November 2, 1865.

IN my reply of the 24th of last month to your note of the day previous, I had the honour to say to you that I had hastened to bring to the knowledge of my colleague the Minister of Finance the matter which given rise to both communications, referring to the application of various merchants at Valparaiso, that they might be permitted to remove from the bonded warehouses of that port, and deposit in private stores there or in Santiago, their merchandize which existed there, without previously paying the import duties due upon them, and under the inspection which the employés of the Customs exercise over effects not despatched.

I have now the honour to transmit to you a copy of the despatch which the Minister of Finance has addressed to me on this question. I trust that a perusal of its contents will furnish you with a fresh proof of the goodwill of the Government of the Republic in favour of neutral interests.

I take, &c.

(Signed) ALVARO COVARRUBIAS.

Inclosure 6 in No. 100.

Señor Reyes to Señor Covarrubias.

(Translation.)

Santiago, October 31, 1865.

THIS Department has received the note in which you were pleased to communicate the correspondence exchanged between Her Britannic Majesty's Chargé d'Affaires and your Department, respecting the refusal of the Government to permit various English

subjects to remove the merchandise which they have deposited in fiscal stores at Valparaiso, disarranging the rules established by the Customs laws. The *Chargé d'Affaires* renews the application made by his countrymen, and you request that this Department should bring to your knowledge the resolution which the Government may take in the matter.

Before replying to you I have received the orders of his Excellency the President, and in accordance with them I proceed to manifest to you that the Government in refusing to accede to the application of the English subjects, supported by the *Chargé d'Affaires*, has violated no right nor caused any injury, but only limited itself to not permitting the introduction of a lamentable confusion, unauthorized by the laws.

The Customs ordinances prescribe that all goods destined for the consumption of the country, or for re-exportation to foreign ports must be deposited in the fiscal stores, excepting only those free of duty, and some which from their size or other circumstances may be despatched from the beach, to be deposited in private stores under the custody of the parties interested. The present case does not refer to these last, and as regards the first, the owners of the goods have the most perfect right, and the most ample liberty to remove from the Custom stores all their merchandise, either to deposit them for consumption, after paying the duties, or to re-export them in bond. It is evident that the English merchants do not desire either of those operations, but that the State should abandon its stores and replace them for others belonging to private individuals, to dispose of their goods in the usual form, and as may be most advantageous to their interests.

I believe it to be of the greatest importance to set forth explicitly in this note, that the application of the English merchants is not supported by any law, and that what they ask from the Government is a mere favour which may be granted or denied; to deny it the following considerations were held in view:—

1. The epoch in which the solicitude was made. Rumours circulated with or without foundation, of an approaching bombardment by the Spanish Admiral. The panic produced by this news gave rise to the application of the English merchants, and the Government would have been wanting in their principal duties by authorizing the possibility of such an occurrence, reprobated by the civilisation of the present age, and which consequently could not form any part of the Government provision.

2. The State has constructed in Valparaiso 333 stores, and rents on its account 64; forming a total of 397 magazines, very superior in size to those belonging to private persons. In Valparaiso, and even in Santiago, it would be very difficult and extremely expensive to obtain a proper locality capable of containing what the fiscal stores do.

3. As it does not enter into the animus of the petitioners that the fiscal responsibility should cease as regards the deposit of the goods, the Government would have to double or triple the number of Customs employés, because the vigilance which is easy in a concentrated building would be very difficult in stores disseminated over two cities.

4. The facility which this disorder would afford to smuggling.

5. As robberies would most probably be committed in insecure and badly guarded stores, the Treasury would not only have to make good the losses on the goods deposited, but would also lose the duties which would be paid if introduced in the regular manner.

6. The confusion in the dispatch emanating from the complete disorganisation which would be introduced in so important an office as the Valparaiso Custom-house, obliging it to divide its attention between two cities, and also to divide procedures which ought to preserve the most perfect harmony.

It would be too lengthy to enumerate the very great inconveniences which such a measure would entail, it being sufficient to take into account those which would be brought about by a disorganization of the Customs legislation. To authorize such a thing it would be necessary that very extraordinary circumstances should occur, which the Government at present does not foresee. You have done well in not admitting the probability of a bombardment by the Spanish Admiral. Both Chile as well as the neutrals would have full right to prevent it, and to reprobate so criminal an act of barbarity, which cannot be considered to be contemplated by the Representative of a country which considers itself civilized. But should there be reason to fear so unusual an emergency, or if by acts of the Chilean Government it might be expected that the property of neutrals would run risk, the Government would put on one side all consideration and would hasten to give to the foreign commerce this fresh proof of their solicitous care for their interests.

But it must be well understood that the Government is under the strict obligation

not to permit that the fiscal revenue should be diminished, never more necessary than at present to save the honour of the Republic, nor that new hardships should be imposed upon the State in exchange for their generous disposition towards neutrals. If the merchants desire to remove their goods from the fiscal stores at Valparaiso without dispatching them for consumption or re-exportation in bond, this concession can only be granted to them under the following conditions:—

1. They will continue to pay Government store rent.
2. The rental of the private stores both in Valparaiso and Santiago which may be occupied instead of the fiscal stores will be for their account.
3. They will credit monthly to the Customs of Valparaiso the salaries to be paid to the employés which it may be necessary to nominate to carry out the new system which on their petition it has been necessary to establish.
4. That those persons who may solicit this concession shall give a bond under public instrument obliging themselves jointly and severally to answer to the State for the due compliance with the foregoing conditions.

I will not finish this note without stating to you that the Government did not order the removal of effects belonging to the "Estanco" (Government monopoly) to Santiago, impelled by the same views as those upon which the application of the English subjects is based. It is evident that that removal was necessary, as the blockade cut off Valparaiso from the other provinces, and for the greater facility which there is of supplying from Santiago the different branches of the Estanco.

The foregoing is in reply to your respected note of the 24th instant.

(Signed) ALEXANDRO REYES.

Inclosure 7 in No. 100.

Mr. Thomson to Señor Covarrubias.

Sir,

Santiago, November 3, 1865.

I HAVE the honour to acknowledge the receipt yesterday evening of your Excellency's note of the 2nd instant, transmitting to me a copy of a letter addressed to you by his Excellency the Minister of Finance, stating the conditions on which the Chilean Government was prepared to concede to neutral merchants at Valparaiso liberty to remove their goods from the Customs bonded warehouses at that place to other magazines in the same port or to Santiago.

I have instructed Mr. Rouse, Her Majesty's Consul at Valparaiso, to bring those conditions to the knowledge of the British commercial community, and on receiving from them an intimation of their views and intentions with regard to this concession, I shall do myself the honour of making them known to your Excellency. In the meantime I beg you will accept my best thanks for the communication, and I avail myself, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure 8 in No. 100.

Mr. Thomson to Consul Rouse.

Sir,

Santiago, November 3, 1865.

THE inclosed extract from a letter addressed by the Chilean Minister of Finance to his colleague the Minister for Foreign Affairs, and communicated by the latter to me, will put you in possession of the result of the steps taken by me here to carry out the wishes of the several British firms at Valparaiso with respect to the removal of their property from the Customs bonded warehouses there to other magazines in Valparaiso or in Santiago, as stated in your despatch to me of the 16th of October; and I have to request that you will, at the earliest opportunity, bring this concession of the Chilean Government to the knowledge of the gentlemen who signed the representation for liberty to remove their goods, as well as to that of the British commercial community of Valparaiso in general, and inform me of their view of the conditions attached to the concession, and the course they intend to adopt.

I am, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure 9 in No. 100.

Messrs. Gibbs and Co., &c. to Consul Rouse.

Sir,

Valparaiso, November 13, 1865.

WE beg to acknowledge receipt of your esteemed communication dated the 4th instant, giving cover to an extract from a letter addressed by the Chilean Minister of Finance to the Chilean Minister for Foreign Affairs, relative to the removal of goods from the Customs bonded warehouses in this city to other bonded warehouses here or in Santiago, and requesting us to bring the contents of the same before the British commercial community, and after ascertaining, report to you for Mr. Thomson's information what view they take of the conditions attached to the concession specified in said extract, and what course they intend to adopt in regard to same.

We have now the pleasure to inform you that in compliance with your request we called a meeting of the British commercial community on Friday the 10th instant, and beg to hand you herewith a memorandum of the resolutions agreed to at the same meeting.

We remain, &c.
(Signed) W. GIBBS AND CO.

Inclosure 10 in No. 100.

Memorandum.

AT a meeting of the British commercial community of Valparaiso, held on the 10th day of November, 1865, to take into consideration the contents of a communication dated the 4th instant and addressed by H. W. Rouse, Esq., Her Majesty's Consul, to Messrs. William Gibbs and Co., covering an extract from a letter addressed by the Chilean Minister of Finance to the Chilean Minister for Foreign Affairs on the 31st ultimo, relative to a petition signed by various British merchants, and laid before the Chilean Government for permission to remove their goods from the Customs bonded warehouses at Valparaiso to other bonded warehouses either here or in Santiago, such petition having by Decree of 29th September been refused, and subsequently, through the representations by William Taylour Thomson, Esq., Her Majesty's Chargé d'Affaires and Consul-General in Santiago, acceded to, accompanied with the following conditions. Here follow the four conditions (see Inclosure No. 6).

The following resolutions were proposed and agreed to :—

1. That this meeting considers that on the 26th of September, when the original petition was presented, a bombardment appeared much more imminent than at present, and that there no longer exists the necessity for the immediate removal of the goods from the Customs-house stores, as it is not believed the Spanish Admiral would attempt or be permitted by the Commanders of foreign vessels of war to fire upon the Custom-house stores without giving ample notice, in order that the property of neutrals might be removed.

2. That even should the necessity for the goods being removed arise, this meeting is of opinion that of the conditions proposed to be exacted by the Chilean Government, Nos. 2 and 3 are highly prejudicial and onerous, and No. 4 impracticable, and it is also the opinion of this meeting that the Chilean Government is responsible for the safe custody of the goods deposited in the Custom-house stores, and if these goods could no longer be considered safe there, the Government would be bound to remove them to a place of safety, or to permit the owners to do so, as it is not to be supposed that with the view of preventing the buildings from being fired upon, the goods belonging to neutrals could be retained in them by the Government.

3. That this meeting request Her Majesty's Consul to convey to William Taylour Thomson, Esq., Her Majesty's Chargé d'Affaires in Santiago, an expression of their grateful acknowledgments for the interest he has taken in the affair.

(Signed) GUNSTON, LEDWARD, AND CO.
(And 16 others.)

Mr. Thomson to Earl Russell.—(Received December 30.)

My Lord,

Santiago, November 16, 1865.

DURING the past fortnight no change has taken place in the situation of the belligerent parties. Admiral Pareja maintains the same partial blockade, conducting it with moderation towards neutrals, and setting at liberty such Chileans as have been captured on board vessels under the Chilean flag. Of the unblockaded ports, that of San Antonio to the south of Valparaiso is the one chiefly resorted to by neutral vessels coming from Europe, and several British vessels have already discharged their cargoes there. A further concession has been made by Admiral Pareja to neutrals, in permitting the consignees of vessels notified of the blockade at Valparaiso, to send their orders to such vessels through the commanders of the ships of war of their own nation lying in the port, instead of their being passed to them as before by the officers of the blockading ships. On the part of Chile the voluntary donations in aid of the war are of a limited amount, and the Customs duties being abolished at the unblockaded ports, this considerable item of revenue to the Government is of course lost. It is not yet known positively what course the other South American Republics will take, but it is highly probable they will declare themselves neutral, and the Spanish fleet will continue to obtain its supplies of provisions, coals, &c., from Peru, at all events so long as the Pezet Government exists. The Chilean Government, in the Manifesto of the Minister of Foreign Affairs, have declared their determination to carry on the war, even if alone, until they have obtained full satisfaction from Spain for the injuries inflicted by her; and as the resources of Spain will not admit of her employing other than naval measures of coercion, if Chile should succeed in obtaining a considerable sum by a foreign loan, she may, unless internal troubles intervene, and which are not improbable in the mining districts, be able not only to support the effects of this partial blockade for a considerable length of time, but might even procure such an iron-clad vessel or vessels as would necessitate the raising of the blockade altogether. In the commencement the only impediment to an amicable arrangement by the belligerents themselves was the question of salute, not an easy one to overcome, as the Spanish Admiral insisted as a *sine qua non* on its being conceded before opening the negotiation, and the pride of Chile and the overweening sense she has of her own importance and resources made her equally resolute to withhold that concession. The difficulty however might, it appears to me, have been got over, if, in the first few days after the war was declared, one or two of the influential Spanish subjects residing in this country and connected by marriage ties with the principal Chilean families, had not been prevented by the edicts of the Chilean Government from communicating with Admiral Pareja, and convincing him how expedient it was for him to steer a middle course on this point. Now the complication of expenses incurred on both sides would appear to render impossible an adjustment of the differences by negotiation between themselves, unless indeed a heavy blow were struck by either party, of which at present there appears little probability.

The United States, as your Lordship is aware, have already recommended an adjustment of the differences by means of arbitration, and although this counsel, presented by the United States alone, has been rejected by both parties, it probably would be attended with a different result if urged upon the belligerent Governments by the joint accord of the neutral Powers most interested in the commerce of this country.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

The Secretary to the Admiralty to Mr. Hammond.—(Received January 3.)

Sir,

Admiralty, January 1, 1866.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Earl of Clarendon, extracts of a letter, dated the 17th November last, from Commodore Harvey, respecting the state of affairs and the proceedings of Vice-Admiral Pareja, in Chile.

I am, &c.

(Signed) W. G. ROMAINE.

Inclosure in No. 102.

Commodore Harvey to the Secretary to the Admiralty.

(Extract.)

November 17, 1865.

IN continuance of my letter dated 1st instant I have the honour to report, for the information of my Lords Commissioners of the Admiralty, that the Spanish transport "Marquess de la Victoria" left on the 7th November, for Coquimbo, Caldera, and Callao. Vice-Admiral Pareja gave permission for the mereantile correspondence to go by her.

The Spanish Admiral will blockade San Antonio, in addition to the other ports, on the return of the "Covadonga" from Coquimbo.

On completing powder I took all that our magazines could stow, as the magazine on shore is not now safe. The Chilean Government have long since removed all their ammunition to a distance, and ours is all that is now in store in the Government magazine.

Although the unblockaded ports being open has ameliorated the pressure on foreign commerce, the state of the country, owing to the war, is severely felt by all commercial interests.

Vice-Admiral Pareja continues to do all that is in his power to relieve neutrals, and has allowed several English vessels into this port for necessary repairs.

The "Maypu," Chilean vessel of war, was seen off the Chincha Islands, by Commander Murray of the United States' vessel "Waterle;" and the "Esmeralda," Chilean corvette, was reported to be in that neighbourhood.

No. 103.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, January 6, 1866.

SENOR BERMUDEZ DE CASTRO, in his note of the 11th of December, of which a copy was inclosed in your despatch of the 13th, maintains the legitimacy of the announcement made by the Spanish Minister of Marine on the 28th of November respecting the intention of the Spanish Government to treat as pirates privateers cruising under certain specified conditions with Chilean letters of marque.

His Excellency cites, in support of this view, certain writers on international law; the sentiments which I expressed in the Congress of Paris in 1856 on the subject of privateering; the declaration of the French Admiral in 1839 with reference to Mexican privateers; his own surmise as to what England and France would have done in the Crimean war in the case of citizens of the United States who might have been found in privateers sailing under Russian letters of marque; and he requires to know the principle on which Her Majesty's Government contend that the notice of the 28th of November is inconsistent with international law.

Her Majesty's Government are well aware that the opinion of a modern French writer, Ortolan, is repeated and solely relied upon in the work of Pistoye et Duverdy, to the effect that international law, as distinguished from municipal law, considered as piratical privateers which, though duly commissioned by a foreign State, were manned in part by persons who are not the subjects of such State.

But against the opinion of these writers, whose authority on such subjects is not held in high esteem, are to be set the contrary opinions of more numerous and more celebrated authorities, such as the Spanish writers Abreu, Pando, and Riquelme, the German and Dutch writers Martens and Bynkershoek, and other standard writers, both ancient and modern, of France, as well as those of the United States of North America and of Great Britain.

It is clear from an examination of the best authorities on such matters, that the municipal law of a State, although it may condemn and treat as pirates any of its own subjects who may engage to serve on board a foreign privateer, cannot and does not constitute a doctrine of international law binding on other States: whether such municipal law would authorize a belligerent to deal with those who infringe it as pirates is quite a different question.

But if international law had been so clear in favour of the view maintained by Señor Bermudez de Castro, it may well be asked, where was the necessity for Treaties between certain foreign States on the subject of foreigners serving on board privateers? Such Treaties could only bind the Powers parties to them.

Thus the Articles of the Treaty of 1794 between England and the United States, to which Señor Bermudez de Castro refers, but which was only valid for a limited term of ten years, were binding only on those States : but the object of that Treaty was not to regulate, but to abolish privateering altogether ; and Her Majesty's Government are acquainted with no instance in which the subject of a foreign Power, serving on board a duly commissioned privateer, has in any country been held to be, or put to death as, a pirate.

Señor Bermudez de Castro alludes to my language at Paris on the subject of privateering, but my remarks were directed to the utter extinction, not to the regulation of the system ; and the Representatives of the Powers who took part in the Congress shared in my opinion, and, as far as in them lay, sought to associate all other Powers with themselves in the abolition of privateering. Spain alone, of all the Powers of Europe, withheld her concurrence, and she cannot now reasonably complain of the evils which this refusal may entail upon her, or seek to mitigate those evils by asserting doctrines unwarranted by the law of nations. I observe, however, that Señor Bermudez de Castro has omitted to quote the passage in my statement at Paris, in which I said that "it should be well understood that it" (the proposition of Count Walewski respecting privateers) "would only be binding in regard to the Powers who may accede to it, and that it would not be appealed to by Governments who may refuse their accession."

Señor Bermudez de Castro adverts to a declaration made by a French Admiral in 1839, which he assumed was acquiesced in by the British Government. His Excellency is mistaken in this particular.

So far from acquiescing in the doctrine involved in that declaration, Viscount Palmerston, in a note addressed to the French Ambassador on the 22nd of March, 1839, stated, "that in the opinion of Her Majesty's Government the intentions of the French Government as announced in Count Molé's despatch," namely, that all vessels bearing letters of marque from the Mexican Government shall be considered as pirates, unless the master and two-thirds of her crew are Mexicans, and unless the vessel itself was armed in a Mexican port, "are not conformable with the law and practice of nations ;" and at the close of his note Viscount Palmerston says, "I feel it my duty, therefore, to declare to your Excellency that Her Majesty's Government could not permit the measures to be applied to any of Her Majesty's subjects who might take out letters of marque from the Mexican Government, nor of any vessel belonging to such British subjects."

You will not conceal from Señor Bermudez de Castro the surprise of Her Majesty's Government at the suggestion offered by his Excellency that England and France would have treated as pirates any citizens of the United States who might have been found during the Crimean war sailing under Russian letters of marque ; you may assure his Excellency that England would have done no such thing.

Señor Bermudez de Castro desires to know on what principle the British Government relies, when objecting to the announcement of the Spanish Minister of Marine. You may state to his Excellency that Her Majesty's Government consider the true and sound doctrine to be, that a foreigner who serves a State by enlisting in its naval or military forces is liable to be treated by the enemy of that State, not as a pirate, but as an enemy ; that the character of a privateer is determined by her commission, and if that is issued by the Sovereign Power of the State whose colours she bears, neither her captain nor her crew can be deemed to be pirates ; and no advantage, but on the contrary great evil, would in the opinion of Her Majesty's Government result to the community of nations from confounding the characters of enemy and pirate.

Señor Bermudez de Castro seeks to maintain that as a British subject would violate a certain law of England by serving on board a privateer, he would forfeit thereby all claim to British protection against Spanish law or Spanish regulations, which might be enforced against him. But the Foreign Enlistment Act, to which his Excellency alludes, is a municipal enactment, having for its object to enable the British Government to prevent British subjects altogether from taking part in the wars of other countries, whether in the direct naval or military service of another State, or as privateersmen. The Act imposes penalties on transgressors, to be enforced in British Courts of Law ; but it constitutes no crime cognizable by international law, and confers on no foreign State a right of adjudication or punishment which according to international law that foreign State does not possess. Still less does the British Act sanction the treatment as pirates by a foreign State of British subjects who may be taken on board an enemy's privateer, however amenable they may have rendered themselves to the penalties attaching to their act, as a breach of the municipal law of their own country.

It is competent to Spain to treat as pirates her own subjects found serving on board Chilean privateers, but it is not competent to her to extend the crime of piracy by a new definition which is to affect the lives of the subjects of other States ; and it is competent to

her to consider the subjects of neutral States found serving on board the privateers of her enemy as if they were really subjects of that enemy, and to deal with them as she would deal with the latter when made prisoners of war.

You will give a copy of this despatch to Señor Bermudez de Castro.

I am, &c.

(Signed) CLARENDON.

No. 104.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, January 11, 1866.

I HAVE received your despatch of the 15th of November last, reporting the circumstances under which application had been made to the Chilean Government by British merchants at Valparaiso, supported by you, for permission to remove their goods from the bonded warehouses in that port, and stating the conditions on which that permission had been granted.

Having consulted the proper Law Officer on the subject, I have to inform you that I am of opinion that the conditions upon which the Chilean Government offered to allow the removal of these goods, which have not paid Custom duties, are not such as to found any just complaint on the part of the British merchants.

You will, therefore, apprise these persons that, after their refusal to remove the merchandize under these conditions, they are not to expect that, in the event of any injury accruing to it from the operations of the Spanish belligerent, Her Majesty's Government will hold the Chilean Government responsible for that injury.

I am, &c.

(Signed) CLARENDON.

No. 105.

Sir J. Crampton to the Earl of Clarendon.—(Received January 13.)

My Lord,

Madrid, January 1, 1866.

IN obedience to the instructions contained in your Lordship's despatch of the 20th ultimo, I did not fail to state to Señor Bermudez de Castro that what Her Majesty's Government complained of in the conduct of the Commander of the Spanish man-of-war "Berenguela," was that he announced that he would give only one hour's notice to foreign residents to quit the town of Coquimbo in the event of his carrying into execution his threat of bombarding it.

I also inquired to what arrangement Señor Bermudez de Castro alluded, when in his note to me of the 11th ultimo he referred to a term of forty-five days for the blockade fixed by General Pareja as a favour to neutrals.

With respect to the first point his Excellency said that he had not yet received any official report of the circumstances under which the Commander of the "Berenguela" had acted, and was, therefore, unable to form an opinion of his conduct on the occasion in question.

With regard to the second point he said (as I understood him) that what he alluded to was a declaration made by Admiral Pareja that, unless forced by the proceedings of the Chileans to do otherwise, he would confine his hostile operations for forty-five days to a blockade of the ports which he had designated.

As I have not myself any distinct recollection of when or to whom this declaration was made, and do not feel sure of its exact tenor, I have addressed a note, of which copy is inclosed, to Señor Bermudez de Castro on the subject, to which his Excellency has promised me a reply.

In speaking of the blockade of the Chilean ports Señor Bermudez de Castro mentioned that he had learned from Admiral Pareja that a personal interview had taken place between him and the British Admiral on the Pacific station. He was happy to add that, far from any difference of opinion having arisen between these two officers, the best understanding had prevailed, and that Admiral Pareja begged to bear testimony to the courteous and friendly manner in which he had been met by the Commander of Her Majesty's naval forces in those seas.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure in No. 105.

Sir J. Crampton to Señor de Castro.

M. le Ministre,

Madrid, January 1, 1866.

I HAVE not failed to make Her Majesty's Government acquainted with the note which your Excellency did me the honour to address me on the 11th ultimo, relative to the threatened bombardment of Coquimbo by the Commander of the Spanish ship of war "Berenguela."

In reply to the doubt expressed by your Excellency as to what motive of complaint the British Government can have against this proceeding, I am directed to state that what Her Majesty's Government complain of, is that only one hour's notice was to be allowed to foreign residents to quit the town in the event of the threat being carried into execution.

Her Majesty's Government on their part feel at some loss to understand what arrangement is alluded to by your Excellency, when you state that the limit of forty-five days fixed by General Pareja for the blockade is a favour which he grants to neutrals.

The only term granted by General Pareja to neutrals, as far as Her Majesty's Government are aware, is that specified in his note to Her Majesty's Chargé d'Affaires at Santiago of the 24th of September, in which he says he has allowed a space of ten days, in order that vessels of neutral nations in the port of Chile, at the notification of the blockade to their respective Consuls, may sail out whether laden or in ballast.

Her Majesty's Government consequently wish me to ascertain from your Excellency what notice given by Admiral Pareja is referred to in your above-mentioned note, and I shall feel greatly obliged by your Excellency enabling me to clear up this point.

I avail, &c.

(Signed) JOHN F. CRAMPTON.

No. 106.

Sir J. Crampton to the Earl of Clarendon.—(Received January 13.)

My Lord.

Madrid, January 2, 1866.

SEÑOR BERMUDEZ DE CASTRO lately put a question to me respecting the differences between Spain and Chile, in regard to which he begged that I would give him my personal opinion.

His question was, what would be the position of Spain under the supposition that having, as she had done, frankly accepted the suggestions of England and France as to the terms upon which peace might with honour to both parties be restored between Spain and Chile, Chile was on her part to reject those terms and to maintain the position she had taken by her declaration of war?

I replied that I had not been in communication with Her Majesty's Government in regard to this hypothesis, which I sincerely hoped and expected would not be realized; but as his Excellency seemed to wish to know what my impression as an impartial observer would be in such an event, I said that it appeared to me that the continuance of the war, even putting out of the question the detriment it would occasion to neutrals, would be a matter infinitely to be regretted for the sake of Spain herself, and that it would still be an object worthy of any Spanish statesman to do all in his power to bring it to a peaceable and honourable conclusion. The Spanish Government, however, would, I apprehended, in no case have cause to regret their acceptance of the good offices of their allies in regard to this matter, or to think that in acting on their advice Spain had been led astray from her true interests; for in the event of Chile persisting to maintain a hostile position, Spain would stand, in the opinion of the world, absolved from the charge of precipitate violence which had been thought (whether justly or not, I would not now inquire) to have characterized the proceedings of Admiral Pareja, and which had been the immediate cause of the contest.

Señor Bermudez de Castro afterwards told me that the Marquis de Molins had, by his direction, put the same question to your Lordship, but he regretted that the answer had not been quite of as friendly a character towards Spain as that which I had made to his own inquiry.

I observed that I could not help thinking that the Marquis de Molins must have misapprehended your Lordship if he thought your language betrayed anything approaching to an unfriendly feeling towards Spain. As to the opinion which I had

expressed, it was no more, as I had stated when I gave it, than the personal impression of a spectator, in regard to a case which had not yet come under the consideration of the Government he represented.

I have, &c.
(Signed) JOHN F. CRAMPTON.

No. 107.

Sir J. Crampton to the Earl of Clarendon.—(Received January 13.)

My Lord,

Madrid, January 2, 1866.

I TOOK the first opportunity of speaking to Señor Bermudez de Castro respecting the arrangement made by Admiral Pareja for holding a Prize Court on board his flag-ship, and pressed him for an answer to a note of the 28th ultimo on that subject which I had addressed to him, and of which I inclose copy herewith.

His Excellency promised me an early reply, and added that he would at once say that the Spanish Government had no objection to comply with the desire of Her Majesty's Government that a Prize Court should be held in a Spanish port instead of on board a Spanish man of war.

Instructions to that effect would accordingly be sent to Admiral Pareja by the mail of the 18th instant, and the Court would be established at a point upon which Her Catholic Majesty's Government would fix.

I have, &c.
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 107.

Sir J. Crampton to Señor de Castro.

M. le Ministre,

Madrid, December 28, 1865.

I DID not fail to make Her Majesty's Government acquainted with the note which your Excellency did me the honour of addressing to me on the 11th instant, in reply to my communication of the 5th instant respecting the arrangement made by Admiral Pareja for holding a Prize Court on board the flag-ship.

I am now instructed to make to your Excellency the following further communication upon this subject.

Her Majesty's Government observe with satisfaction that if they are still of opinion that a Prize Court ought to be established in a Spanish port, the Government of Spain will offer no objection to its being so ordered.

Her Majesty's Government consequently instruct me to state that they still maintain their objections to the course adopted by Admiral Pareja.

Her Majesty's Government are still of opinion that a neutral has, by international law, a right to expect that a Civil Judge, of sufficient legal experience and ability, and wholly disinterested in the issue, shall try the question whether his ship has been lawfully seized or not; but, according to the proposal of the Spanish Government, the captor himself, who is the other party in the suit, and who, moreover, has no pretension to any legal qualification whatever, would occupy the judgment seat.

Again, by the course proposed, the neutral would be deprived of his right to obtain the best legal advice to defend his interests, and to argue before the Court questions which often require great legal knowledge properly to deal with them.

It is not, in the opinion of Her Majesty's Government, an adequate compensation for the absence of these essentials of justice, that the neutral should be told that the captor will decide with great expedition the question of his own right to take the neutral ship.

The argument that a ship-of-war is part of the State to which it belongs is admitted by Her Majesty's Government to be an undeniable premise of international law, but they cannot admit that it warrants the conclusion that a Prize Court on board a ship-of-war, presided over by an Admiral, is the same as a Prize Court on main land, presided over by a Civil Judge. Such an argument Her Majesty's Government consider to be wholly unsupported by authority.

Although it may be inconvenient to Her Catholic Majesty's Government to establish a Prize Court at Cuba or elsewhere, and the Spanish Admiral may have no ships to spare

to conduct prizes to the place where the Court is established, Her Majesty's Government cannot admit that this is a reason why a neutral should suffer wrong; if anything, it would be a reason why Spanish cruizers should abstain from interfering with neutral vessels.

Her Majesty's Government does not dispute the right which your Excellency claims for belligerents of destroying the ships of their enemies, and therefore of trying them in any way they please; but Her Majesty's Government do dispute the right of a belligerent to destroy a ship claimed by one of Her Majesty's subjects, because the belligerent declares it to be the ship of an enemy without adopting the course, prescribed by national justice and international usage, of trying the question at issue in a court of law.

Her Majesty's Government, in consequence of the above considerations, direct me now to express to your Excellency their earnest hope that the Spanish Admiral will be instructed by Her Catholic Majesty's Government to desist from a course in which it is not to be expected that neutral vessels can acquiesce.

I avail, &c.
(Signed) JOHN F. CRAMPTON.

No. 108.

Sir J. Crampton to the Earl of Clarendon.—(Received January 13.)

My Lord,

Madrid, January 4, 1866.

IN obedience to the instructions contained in your Lordship's despatch of the 21st ultimo, I have not failed to express to Señor Bermudez de Castro the satisfaction of Her Majesty's Government at the readiness with which Her Catholic Majesty's Government adopted the course suggested by the Governments of England and France, and accepted their good offices for bringing about a reconciliation between Spain and Chile.

I informed his Excellency that an instruction had been sent to Her Majesty's Chargé d'Affaires in Chile, by the mail of the 18th ultimo, to make, in conjunction with his French colleague, the same proposal to the Chilean Government, but that as Her Majesty's Government understood that M. Drouyn de Lhuys had thought it advisable to leave a certain amount of discretion with the French Chargé d'Affaires, the same authority is given to the British Representative; and he was informed that if the two contending parties on the spot were willing to come to an arrangement on other terms, he would be at liberty, in conjunction with his French colleague, to promote an arrangement on any terms which appear to be more acceptable to them than those contained in the memorandum.

Señor Bermudez de Castro concurred in the propriety of this instruction, and expressed the hope that the difference between Spain and Chile might now be brought to an amicable conclusion.

His Excellency, however, referring to conversations between your Lordship and the Marquis de Molins, in regard to the position in which Spain would find herself if Chile should reject the terms of peace proposed by England and France, said he considered, if that case was to occur, that Spain, who had, in accordance with the friendly suggestions of her allies, done everything which was consistent with her honour to bring about a reconciliation, would be justified, and obliged, to resume the position which she had at first taken up in regard to Chile, and he therefore would not conceal from me that instructions had already been sent to Admiral Pareja, directing him, in the event of the Chilean Government refusing to accede to the terms proposed by England and France, or to others equally satisfactory, to make use of all the force at his disposal in a vigorous prosecution of hostilities.

I have, &c.
(Signed) JOHN F. CRAMPTON.

No. 109.

Mr. Thomson to Earl Russell.—(Received January 15, 1866.)

(Extract.)

Santiago, December 2, 1865.

ON the 27th instant intelligence was received here that the Chilean steam-corvette "Esmeralda," of twenty-two guns, had on the previous day captured the "Covadonga," one of the Spanish blockading vessels, mounting three heavy pivot guns, two 68-pounders, and one 32, manned by 125 men. This vessel had been despatched by Admiral Pareja from Valparaiso to Coquimbo to meet the mail steamer bringing the French mail from St. Nazaire,

and to receive there his correspondence. The "Esmeralda" was off the Creek Papudo, not many miles distant from Valparaiso, and it is said that, having her topmasts struck, her ports down, and painted to appear a merchant vessel, she showed a signal of distress with a neutral flag when the "Covadonga" came in sight. The officer commanding the "Covadonga" being deceived, approached the corvette, and when at a short distance the "Esmeralda" hoisted the Chile flag and delivered a broadside. The action lasted a very short time, and from the circumstance of the Commander of the "Covadonga" having allowed the Admiral's despatches and code of signals to fall into the hands of the enemy on surrendering, the loss of this vessel is not creditable either to the caution, the discipline, or self-possession of this officer. The officers and crew of the captured vessel have been brought to Santiago, and I am happy to say that, in consequence of the measures adopted by the Chilean Government, they have been treated with all the consideration accorded to prisoners of war by civilized nations.

On the morning of the 27th the "Vencedora," another of the blockading vessels, and carrying four heavy guns, was despatched by the Admiral, and, as was supposed, proceeded to the Bay of Talcahuano, blockaded by the frigate "Resolucion." It having been reported at Valparaiso on the day of the departure of the "Vencedora" that firing had been heard about thirty miles to the south of that port, it was feared that she might have been captured by the "Esmeralda" and "Covadonga," but yesterday she returned to Valparaiso, accompanied by the frigate "Resolucion."

The capture of this Spanish vessel is, I think, to be regretted, as it appears to me that hitherto Admiral Pareja has avoided all direct acts of hostility, confining himself to a partial blockade, apparently in expectation of further instructions from his Government, and with the view of not further complicating the existing differences. Now, however, no choice will be left to him but to capture the Chilean vessels-of-war wherever and whenever they may be met.

But this is not the only difficulty under which Admiral Pareja is labouring at this moment. On the day that the "Covadonga" was captured, the mail steamer from Callao brought the intelligence of the defeat of General Pezet and the downfall of his Government, and by the mail steamer which arrived at Valparaiso on the 29th of last month, intelligence also reached him that Señor Albistur, the Spanish Representative in Peru, had retired from Lima, and gone on board the "Numancia," Spanish iron-clad. If the political parties in Peru had remained disunited, it might have been expected that General Canseco's Government would have come to an amicable understanding with the Spanish Minister, as he is believed to have been inclined to acknowledge the Treaty concluded between General Pezet's Government and Admiral Pareja; but as Colonel Gamio, who commanded at Arequipa, is said to have joined the Canseco party, which he probably would not have done unless the latter had agreed not to recognize the Pareja-Vivanco Treaty, it is not improbable that General Canseco will be forced to accept that line of policy.

During the two last days Admiral Pareja has been engaged taking on board a large quantity of coal from two transports, and under the existing circumstances it is probable he may intend proceeding to Callao with the object of exacting an immediate recognition by the new Peruvian Government of the Pareja-Vivanco Treaty, and of the terms said to have been subsequently accepted by the ex-President Pezet, or in the event of refusal to capture the entire Peruvian squadron.

No. 110.

Sir J. Crampton to the Earl of Clarendon.—(Received January 16.)

My Lord,

Madrid, January 11, 1866.

WITH reference to my despatch of the 2nd instant, I have now the honour to inclose the reply of Señor Bermudez de Castro to my note of the 28th ultimo, in which I informed him that Her Majesty's Government still maintained their objection to the establishment of a Prize Court on board Admiral Pareja's flag-ship for the adjudication of neutral vessels captured by the Spanish blockading squadron on the coast of Chile.

The Spanish Government, your Lordship will perceive, now engages to send instructions by the next mail to the Commander-in-chief of their squadron in the Pacific to designate a port or ports to which prizes made of neutral vessels are to be taken for adjudication.

Señor Bermudez de Castro, however, takes exception to some of the considerations

upon which Her Majesty's Government founded their objection to the course pursued by Admiral Pareja in regard to this matter.

In the first place, his Excellency protests against the assumption of Her Majesty's Government that Admiral Pareja proposed to establish a Prize Court on board his flag-ship because he had no ships to spare to conduct captured vessels to Cuba or elsewhere ; and denies the deduction that Spanish ships of war should therefore abstain from interfering with neutrals.

In the second place, his Excellency contests the principle laid down by Her Majesty's Government that a neutral has by international law a right that a Prize Court should be presided over by a Civil Judge, and maintains that it is a sovereign right of the State in which the Prize Court is situated to name such person or persons as they may think proper to fulfil the duties of Judge.

I have &c.
(Signed) JOHN F. CRAMPTON.

Inclosure in No. 110.

Señor de Castro to Sir J. Crampton.

(Translation.)

Sir,

The Palace, January 6, 1866.

I HAD the honour to receive the note which you were good enough to address to me on the 28th of December last in reply to mine of the 11th.

In accepting, in the name of Her Britannic Majesty's Government, the offer made by Her Majesty's Government to transfer to some Spanish port the Prize Court established by the Commander-in-chief of the Spanish squadron on board his flag-ship, you enter into several considerations which I do not think it important to discuss, and shall confine myself to noticing two of them, which I cannot pass over in silence.

The object of the first is to decide whether the Spanish Admiral has or has not vessels at his disposal sufficient to conduct the prizes made by his forces to the place where the Prize Court may be established ; and after deciding this point in the negative, it would make this a subject of complaint against Her Majesty's Government, observing that Her Britannic Majesty's Government cannot accept the deficiency of vessels as a sufficient excuse for the injury of neutrals, as it would rather appear to be a reason why Spanish cruisers should abstain from molesting neutral vessels.

Her Majesty's Government, who have on no occasion admitted the premise you advance, could not fail to be surprised at the observations which are deduced from this, and must state to the Government of Her Britannic Majesty that no belligerent Power has ever yet acted in regard to neutrals with the generosity and tolerance displayed by Spain in the blockade of the ports of Chile.

The second consideration which I must notice is that which affirms that, according to international law, neutrals have a right to require that the Prize Court shall be presided over by a " Civil Judge of sufficient legal experience," a principle which does not appear to me to be in conformity with what publicists of the highest authority have written on the subject.

The Government of the country to which the capturing vessel belongs being the Judge recognized by the law of nations, who is to decide the legality or illegality of the capture, it delegates its authority to the person or persons it may judge fit, without any nation having the power to indicate the class or category to which they should belong. From this indisputable right of the Sovereign arises the diversity of measures adopted by each country with respect to the tribunal which has to take cognizance of the prizes made by its cruisers, and in Spain the cognizance of cases of prizes is the special province of the Naval Commanders (" Comandantes de Marina "), with power to appeal from their decision to the Council of State.

Having now made these explanations, and confining myself to the principal part of your note to which I am replying, I have the honour to acquaint you that by the next mail the necessary instructions will be sent to the Commander-in-chief of the Spanish squadron in the Pacific to enable him, in compliance with them, to appoint the port or ports to which prizes made from neutrals are to be taken, and also what is to be done with prizes taken from the enemy.

I renew, &c.
(Signed) M. BERMUDEZ DE CASTRO.

Sir J. Crampton to the Earl of Clarendon.—(Received January 16.)

My Lord,

Madrid, January 12, 1866.

WITH reference to my despatch of the 1st instant, inclosing the copy of a second note which, according to the instructions contained in your Lordship's despatch of the 20th ultimo, I addressed to the Spanish Government complaining of the conduct of the Commander of the Spanish ship-of-war "Berenguela" in threatening to bombard Coquimbo, I have now the honour to inclose a translation of the reply of the Minister for Foreign Affairs to my communication.

His Excellency repeats that the Spanish Government, having as yet no other information as to the conduct of the Commander of the "Berenguela" than that which they received from me, based upon the report of Her Majesty's Vice-Consul at Coquimbo, cannot, until they receive intelligence from their own authorities upon the subject, pronounce any opinion as to what may have caused or justified it.

With respect to the observation of Señor Bermudez de Castro (in his note of the 11th ultimo) "that the term of forty-five days fixed by Admiral Pareja for the blockade was a favour to neutrals," his Excellency now states that his meaning was that Admiral Pareja having fixed forty-five days for the duration of the blockade, independently of the time fixed for the departure of neutral vessels from the ports, there resulted a favour to neutral commerce with Chile.

I have, &c.

(Signed)

JOHN F. CRAMPTON.

Inclosure in No. 111.

Señor de Castro to Sir J. Crampton.

(Translation.)

Sir,

The Palace, January 4, 1866.

I HAVE had the honour to receive the note which you were good enough to address to me on the 1st instant, in reply to mine of the 11th of December respecting the conduct said to have been pursued by the Commander of the frigate "Berenguela," at present blockading the port of Coquimbo.

As I observed to you in my above-mentioned note, Her Majesty's Government have no knowledge of what has taken place further than that which you communicated to me in your note of the 2nd of December, in which, referring to a report of the Acting Consul of Her Britannic Majesty at that port, you said that "the Commander of the frigate 'Berenguela' had threatened to bombard the city," but omitted to mention what you now state in the note to which I have the honour to reply, that the above-mentioned Commander of the "Berenguela" had not granted more than one hour's time to neutrals to place their persons and interests in safety. It was this omission on your part which gave rise to the doubt which I expressed in my note of the 11th of December in regard to the grounds of complaint which Her Britannic Majesty's Government might have against the Commander of the "Berenguela." Had I known of this circumstance before I would have informed you, as I do now, that before Her Majesty's Government can express their opinion as to the conduct of the said Commander, it must be informed of the conduct which he really pursued, and the reasons he may have had for it; for those reasons may possibly justify the short time which Her Britannic Majesty's Acting Consul asserts he allowed to neutrals.

You in turn inform me that your Government does not understand to what arrangement Her Majesty's Government alludes when it states that "the term of forty-five days fixed by General Pareja for the blockade is a favour which he concedes to neutrals," and expresses the wish to have pointed out to it "to what notice on General Pareja's part reference is made."

If you read attentively my said note of the 11th of December, you will see that, without making mention of any arrangement or notice whatever, its meaning was that from the term fixed by General Pareja for the duration of the blockade, independently of the time fixed for the departure of neutral vessels, there results a favour to foreign commerce with Chile; for considering the obstinate refusal of that Republic to give to Spain the satisfaction due to her, it would have been more effectual and economical for Her Majesty's Government to have restricted the term for the blockade, and commenced hostilities without any other condition than that of granting to neutrals, after due

warning, the proper term which under similar circumstances the British Government would have granted, for placing their persons and interests in safety.

Being unable to enter further into the case of the "Berenguela" until I receive the report on what has taken place, which will be furnished to me by Admiral Pareja, I renew to you, &c.

(Signed) M. BERMUDEZ DE CASTRO.

No. 112.

The Secretary to the Admiralty to Mr. Hammond.—(Received January 17.)

Sir,

Admiralty, January 16, 1866.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Clarendon, a copy of a letter from Rear-Admiral Harvey, dated the 2nd December, reporting on the state of affairs in Chile, with copies of its inclosures from the commanders of Her Majesty's sloops "Shearwater" and "Mutine," containing intelligence respecting proceedings in Peru.

I am, &c.

(Signed) W. G. ROMAINE.

Inclosure 1 in No. 112.

Commodore Harvey to the Secretary to the Admiralty.

Sir,

"Leander," at Valparaiso, December 2, 1865.

IN continuation of my letter of the 17th ultimo, I have the honour to report, for the information of my Lords Commissioners of the Admiralty, that the United States' corvette "St. Mary" sailed on the 23rd instant for Cobija, Callao, and Panama. I requested Commander Calvocoressis to call at the first named port, as Her Majesty's Acting Consul-General in Peru had received an application from foreign residents at the mining establishments in the neighbourhood, through the Acting Vice-Consul there, for the presence of a ship of war; the miners, principally Chileans, being in a dangerous state of excitement. This he kindly consented to do. I wrote by him to Her Majesty's Acting Vice-Consul at Cobija, requesting him to call on board the "St. Mary" on arrival.

2. On Sunday the 26th ultimo Her Most Catholic Majesty's gun vessel "Covadonga" was captured by the Chilean corvette "Esmeralda," off the port of Papuda, thirty miles north of Valparaiso. The Spaniards had two men killed and fifteen wounded; the Chileans no casualties. The prisoners were landed at Papuda and forwarded to Santiago, where I understand that they were well treated. One shot only struck the "Esmeralda." I believe that the "Covadonga" was quite unprepared, and had mistaken the "Esmeralda" for an English vessel of war.

3. The "Vencedora" left for the south on the 27th ultimo, and returned on the 30th.

4. The "Resolucion" arrived from Talcahuano on the 1st, and the "Villa de Madrid" left on the same evening steaming south. Vice-Admiral Pareja did not inform me of his intended movements or destination, but I hear from Captain Manoel de la Rigada, of the "Resolucion," that he has gone to Talcahuano.

5. His Imperial Majesty's transport "Euryale" sailed for Payta on the 29th.

6. English merchant-ships have arrived off the port from Europe, Australia, New Zealand, and the Sandwich Islands. Scarcely a day passes without some appeal or protest in consequence of the blockade of the ports, and the ruinous loss in certain cases, owing to the seizure of contraband (mining powder), the nature of cargoes, and the length of the voyages.

7. Commander Douglas' letter of proceedings is herewith forwarded, as also that of Commander Blake of Her Majesty's steam-sloop "Mutine."

8. There has been much excitement in Chile consequent on the capture of the "Covadonga." Although a vessel of far inferior force to the "Esmeralda," there was a boldness that gives confidence, in the venturing so near the Spanish frigates in the several ports.

9. Her Majesty's "Camelion" was to have sailed from Panama for this on or about the 12th November.

10. Her Majesty's ship "Columbine," His Imperial Majesty's ship "Pallas," Italian

frigate "Prince Humbert," and the United States' gun-vessels "Mohongo" and "Nyack," are at this anchorage, and Her Most Catholic Majesty's ships "Resolucion" and "Vencedora" blockading the ports.

I have, &c.
(Signed) THOS. HARVEY.

Inclosure 2 in No. 112.

Commander Douglas to Commodore Harvey.

Sir,

"Shearwater," Callao, November 18, 1865.

I HAVE the honour to inform you that the revolution so long prevailing in this country has at length been brought to a conclusion, resulting in the overthrow of the Government by the revolutionary party under Canseco, who has been created President of this Republic until the elections take place in February next year.

On the 6th instant all communication with Lima was cut off both by telegraph and rail, and the capital reported in the hands of the revolutionary army, who sent into Callao a messenger to demand the surrender of that place, which was refused both by the Prefect and the officers in command of the troops.

During the night the troops of the Government stationed in the town, with the exception of those in the citadel, left the place, and about midnight the mob commenced breaking into houses and pillaging in all directions, destroying property to the amount of about 300,000 dollars.

On the following morning I immediately placed myself in communication with the different foreign Consuls, to offer any assistance in my power by means of boats, for the conveyance of any of the foreign families who wished protection on board the ships in the Bay, as great fears were entertained that a repetition of the preceding night might take place. I had previously established signals night and day with Her Majesty's Consul at Callao in case assistance or my boats might be required.

The civilians having armed themselves, one or two of the mob were shot in the act of breaking into some of the houses, and order was restored. Great excitement was kept up during the whole of the following day, as Pezet's troops were encamped between Bella Vista and Lima, and an attack on the city was expected every minute; but his troops, or the greater portion of them, retreated in the afternoon on this place, several desertions having taken place previously. My boats had been ordered to leave the shore at sunset and return on board the ship, and whilst waiting on the mole a report was circulated that the President was afloat; the mob at this moment became furious, and apprehending a fire from the troops, who were being fired on by the people stationed behind the goods on the mole, and in front of the railway station, I deemed it prudent to leave at once, pulling through a sharp fire, as every boat leaving the mole (and several were doing so with people) was fired on, but I am happy to say no casualty occurred.

On my return on board I found several general officers and others; they having to fly for their lives, and seeking protection on board Her Majesty's ship under my command. Later in the evening, about 11 P.M., the President, accompanied by General Frisancho, also came on board, and requested I would give them protection, which I immediately did. Another general, who had sought refuge on shore, in the house of an Englishman in Callao, came off the following evening, all in a state of the greatest destitution.

On Saturday, the 11th instant, Her Majesty's ship "Mutine" arrived, and anchored about 5 P.M.; and on Friday the 14th instant I was directed by Commander Blake to discharge the ex-President and ex-Prime Minister, together with Generals Mende Merco and Frisancho into the "Mutine" for a passage to Panama. These officers went on board after dark, and the "Mutine" sailed that evening about 8 o'clock. The other refugees were discharged to the shore at their own request, with the exception of General Rivers, who wished to be sent to the American store-ship in the bay, discharging them the following morning; the captain of the store-ship being willing to receive him on board, I believe, as a friend.

The revolutionary squadron, under the command of Montero, arrived on the 11th instant, and were joined the following day by the Government ships.

The Peruvian squadron at anchor now is composed of the "Apurimac," bearing the senior officer's broad pendant, "Amazonas," "America," and "Union," together with several smaller vessels.

The Spanish frigate "Numancia" remains at anchor in the bay, and is the

only other foreign man-of-war here present. The Spanish store-ship "Marchese de la Victoria" has just arrived, bringing a mail and a despatch for Her Majesty's Acting Chargé d'Affaires in Lima, which I forwarded.

I have, &c.
(Signed) GORDON DOUGLAS.

Inclosure 3 in No. 112.

Commander Blake to Commodore Harvey.

Sir,

"Mutine," Callao, November 14, 1866.

IN pursuance of the instructions received from you on the 26th ultimo, I have the honour to inform you that Her Majesty's ship under my command reached Coquimbo on the evening of the 27th, and Caldera at noon on the 30th. Having delivered and received the mails at those ports as directed, I proceeded on to this port, arriving on the afternoon of the 11th, having made the whole passage under sail.

2. Commander Douglas, of the "Shearwater," having represented to me that the ex-President, with several of the principal State officials of this Republic, have taken refuge on board his vessel, and request a passage and protection as far as Panama, I have therefore considered it my duty to offer them, under the circumstances of the imminent danger attending their lives, the safe conduct of Her Majesty's ship under my command to that place. We leave this evening for Panamá.

I have, &c.
(Signed) W. H. BLAKE.

No. 113.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, January 17, 1866.

I HAVE received your despatch of the 2nd instant, and I have to inform you that I approve of the language held by you to Señor Bermudez de Castro, in reply to the question put to you by his Excellency, as to what, in your opinion, would be the position of Spain under the supposition that, having, as she had done, frankly accepted the suggestions of England and France as to the terms upon which peace might be restored between Spain and Chile, with honour to both parties, Chile was on her part to reject those terms, and to maintain the position she had taken by her declaration of war.

With reference, however, to the statement of Señor de Castro that the Marquis de Molins had, by his direction, put the same question to me, and that he regretted that my reply had not been of quite as friendly a character towards Spain as that which you had made, I have to observe that I am at a loss to understand M. de Molins' report of what passed between us. He asked me the question in an unofficial and friendly manner, and I said that I trusted the state of things contemplated by him as possible would not arise, but, if it unfortunately should do so, it would then be time to consider the course to be pursued, as much would depend upon the manner in which the Chilean Government declined the good offices of the two Powers.

I am, &c.
(Signed) CLARENDON.

No. 114.

Messrs. Thomson and Bonar to the Earl of Clarendon.—(Received January 24.)

My Lord,

57½, Old Broad Street, London, January 22, 1866.

IN conformity with your Lordship's request that we should repeat in writing the observations which we had the honour to address to you this morning upon the subject of the apprehended outbreak of hostilities between Spain and Peru, we beg to state:

That it has come to our knowledge, upon competent authority, that Spain has made such demands upon Peru for the settlement of claims for expenses incurred by her, down to and including the War of Independence, as if complied with would entail utter ruin upon the latter State.

That, in consequence, the Government which has just been established, has determined to conclude an offensive and defensive alliance with Chile, with a view of resisting this fresh aggression on the part of Spain.

That we had reason to apprehend from what had occurred with reference to the Treaty made by Admiral Pareja and the indemnity of 600,000*l.* paid to Spain in virtue of one of its stipulations, that it has been the intention of the Spanish authorities to force Peru either into an alliance with Spain against Chile, or to a war with Spain.

That in the latter alternative we expected that as the Spanish Admiral had found the blockade of the coast of Chile impossible with his small force, and as he was restrained by the intervention of neutral ships of war from carrying out the threatened bombardment of Valparaiso, he would, in the event of war being declared between Spain and Peru, concentrate his force, abandon the blockade of the Chilean ports, and seek by taking possession of the Chinha Islands again to force Peru to the settlement of her most unjust and excessive claims.

That it was known that Peru had determined to accept the alternative of war rather than submit to these terms, and we expected that the mail about to arrive would probably bring some public declaration of this fact.

In this conjuncture we begged respectfully to impress upon your Lordship the great damage which such a proceeding on the part of Spain would inflict upon the shipping interest of this country, the agriculture not only of England, but of France, Belgium, Germany, and their colonial possessions, and lastly upon the bondholders of the Peruvian Loans, to whom the guano in the islands in question had been hypothecated.

That on the last occasion when Spain took possession of the Chinchas, she had declared that it was not an act of war, but that she held them as a material guarantee, and that she would not interfere with the loading of ships, in virtue of contracts existing at that time.

Fearing now that, on the actual outbreak of hostilities, Spain may declare that the islands are blockaded, and that no ships for account of the Government of Peru, or in virtue of contracts with that Government, shall be permitted to load, we begged to inform your Lordship that such a measure would at once probably affect 150,000 tons of British shipping now loading, or on the way out under charter to load guano at these islands, causing them probably to break their charters and involving interminable claims for damages and breach of contract. That the amount of guano shipped from these islands to all parts of the world amounted to about 450,000 tons per annum, of which England alone and her colonies took one half. That the loss of this fertiliser would entail upon this country an enormous deficiency of yearly production amounting in value to many millions sterling, and would deprive the shipping interest of freight to the extent of hundreds of thousands of tons per annum.

That all this great damage would be caused to the interests of neutral nations without Spain being able to derive directly any benefit from the possession of these islands, inasmuch as the guano upon them was the property of the bondholders of the Peruvian Loans, until said Loans should be entirely redeemed, and that consequently Spain, without committing an aggression on the property of neutrals, could not dispose of one ton of the guano upon the islands. We may add that as Peru has forestalled the revenue derived from the Chinchas for two or three years, she would suffer very little inconvenience by their temporary possession by Spain.

Under these circumstances we left to your Lordship's consideration whether the British Government would intervene directly in order to protect the rights and property of British subjects, or failing such intervention, we prayed your Lordship to interpose your good offices with the Spanish Government to prevent such an occurrence as the blockade of the Chinchas, should war unhappily break out between Spain and Peru, to induce Spain to offer no obstacle to the shipment of guano necessary for the payment of the European bondholders; but in the event of these representations failing, that at any rate Spain should permit the vessels already chartered and on their way out, to receive their cargoes and sail as usual.

We have, &c.

(Signed)

W. W. WEGUELIN,
CHAS. BELL,

Of the Firm of J. Thomson, T. Bonar and Co.

Sir J. Crampton to the Earl of Clarendon.—(Received January 25.)

(Extract.)

Madrid, January 22, 1866.

IN reply to a question put by Señor Hurtado in the Congress of Deputies, as to whether the news which had been circulated of the capture of the Spanish gun-boat "Covadonga" by the Chilean vessel-of-war "Esmeralda," and the suicide of Admiral Pareja, were well founded, the Minister of the Interior replied that unfortunately both these reports had been confirmed by official intelligence received by Her Catholic Majesty's Government. His Excellency added, that the Government would not fail to take immediate measures for the vindication of the honour of the Spanish flag.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, January 27, 1866.

I HAVE received your despatch of the 11th instant, inclosing the reply of Señor Bermudez de Castro to the representation which you were instructed by me, in my despatch of the 20th of December last, to make to him on the subject of Prize Courts on board Admiral Pareja's flag-ship.

I have to state to you that the only part of Señor Bermudez de Castro's reply which raises any question of law, has reference to the constitution of the Prize Court.

He complains that the Government of a neutral State should require that such a Court should be presided over by a Civil Judge of sufficient experience, and asserts that no neutral nation has anything to say as to the category or class to which such Judge should belong, and that, according to the Spanish law, it is proper to appoint naval commanders to decide questions of prize, subject to an appeal from their decision to the Council of State.

With respect to this position, it is to be observed that there is in principle a great difference between the Prize Court and the ordinary municipal tribunals of a State. To the latter, the subject of a foreign State necessarily and naturally submits himself while he is within the territory. To the former, the foreigner, being neutral, is not, on the high seas, naturally subject.

His vessel is permitted by his natural protector, his Sovereign, to be seized and brought by force within the territory of the foreign State, upon the condition that the question of the lawfulness of the seizure be tried by the principles of international law applied by a competent Court to his case.

It is manifest that in the competency of this Court the neutral has a deep and peculiar interest, an interest recognized by the reason of the thing, by many Treaties, and by universal practice.

It is true that the Judge of this Court is appointed by the State of the captor, and that it is within the abstract competence of that State, however inconvenient and contrary to modern usage the course may be, to appoint a military or naval officer a Judge of a Prize Court, provided that he possesses the adequate knowledge of international jurisprudence which the neutral is entitled to expect, and the application of which he has a right to demand, not only in the Court of Appeal, but in the Court of the First Instance.

But it is certainly not competent to the State of the captor to appoint one of the officers of the naval squadron, by a ship of which the neutral is captured, to be the Judge of the lawfulness of that capture. All reason, as well as authority, is opposed to such a practice. The Spanish jurist Bello puts the objection clearly:—

"Para que la presa marítima dé un título autentico de propiedad, trasferible á los neutrales ó al represador, es necesaria, segun la practica mas general de las naciones modernas, la adjudicacion de un tribunal, que debe pertenecer al soberano del captor, y residir en el territorio de este soberano, ó de sus aliados.

"La necesidad de los juzgamientos de presas nace principalmente del peligro de que en el ejercicio del derecho de captura se confundan las propiedades neutrales con las enemigas por error ó malicia de los captores. Es evidente que si el juicio de la legitimidad de las presas se dejase á estos, la guerra se convertiria en un sistema de pillaje, y la propiedad de aquellos que nada tienen que hacer con la guerra, correria no menor peligro que la propiedad de los beligerantes."*

* Bello: "Principios de Derecho Internacional," pp. 182, 183.

To the same effect is the celebrated answer made by Her Majesty's Government to the demands of Prussia in 1753 (called by Montesquieu "reponse sans réplique"), which has since been universally acknowledged as a most correct exposition of international law:—"By the maritime law of nations, universally and immemorially received, there is an established method of determination whether the capture be, or be not, lawful prize. Before the ship or goods can be disposed of by the captors, there must be a regular judicial proceeding, wherein both parties may be heard, and condemnation thereupon as prize, in a Court of Admiralty, judging by the law of nations and Treaties. The proper and regular Court for these condemnations is the Court of that State to whom the captor belongs."

I am, &c.
(Signed) CLARENDON.

No. 117.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, January 27, 1866.

IT appears from the representation which has been made to me on behalf of Messrs. Thomson, Bonar, and Co., and of which I inclose a copy,* that the apprehensions entertained by the Marquis de Molins of an approaching rupture between Spain and Peru are shared by certain parties in this country. But Her Majesty's Government have no intelligence of such a rupture having actually occurred.

As, however, British interests might be materially prejudiced if, in the event of hostilities taking place between the two Powers, any attempt should be made by Spain to interfere with the exportation of guano from the Chincha Islands, I have to instruct you to express to the Spanish Government the hope of Her Majesty's Government that if war should unfortunately break out between Spain and Peru, the Spanish commanders may be instructed to protect the interests of British subjects in guano.

I am, &c.
(Signed) CLARENDON.

No. 118.

Mr. Barton to the Earl of Clarendon.—(Received January 22, 1866.)

My Lord,

Lima, December 22, 1865.

I HAVE the honour to transmit herewith to your Lordship translation of a note addressed by the Spanish Minister resident in this city to the members of the Diplomatic Body, dated the 18th instant, but only received at this Legation this morning, and to announce to your Lordship that Señor Albistur sailed yesterday in the steam-packet for Panama.

I have, &c.
(Signed) JOHN BARTON.

Inclosure in No. 118.

Señor Albistur to Mr. Barton.

(Translation.)

Lima, December 18, 1865.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty, has the honour to address the Chargé d'Affaires of Great Britain, and to inform him that the relations of this Legation with the Government of Peru being in effect suspended since the 6th November last, the Undersigned considers that the decorum and dignity of the Government and the nation which he represents do not permit him to continue any longer in the anomalous situation in which he finds himself, and he has therefore resolved to retire from Peru, confiding the protection of the subjects of Her Catholic Majesty to the Chargé d'Affaires of His Majesty the Emperor of the French, who has kindly accepted this office. Since the said date of the 6th of November, the Undersigned has found himself in an exceptional situation with respect to the Government of Peru.

When the Government of General Canseco was installed in Lima, the Minister for Foreign Affairs of the same addressed, as was natural, a circular which is known to all, to the Representatives of foreign nations in Lima. The Minister of Spain had not the honour to receive the said circular, nor any communication from the new Government. This lasted twenty days. During that time the Undersigned had various conferences with M. Lapuente, Minister for Foreign Affairs. He addressed a note to him with the object of explaining that situation, but that Government fell without having entered into relations with the Undersigned, and leaving unanswered the note referred to.

When the present Supreme Chief of the State was elevated into power, many days elapsed before the change which had taken place in the Government was announced to the Diplomatic Corps accepted in Lima; when this was effected by means of a circular to the foreign Representatives, the Undersigned was likewise excluded from the number of those who received said communication.

After this nothing remains for the Undersigned but to retire from a country where the representation with which he is invested is thus disowned. Before doing so, he considers it his duty to acquaint his honourable colleagues of the foreign Diplomatic Corps accredited in Lima, of what has taken place, whom, he doubts not, will have the goodness to communicate the same to their respective Governments.

The Undersigned, &c. (Signed) JACINTO ALBISTUR.

No. 119.

Mr. Thomson to Earl Russell.—(Received January 29, 1866.)

My Lord,

Santiago, December 10, 1865.

IN the last paragraph of my despatch of the 2nd instant, I stated that Admiral Pareja was apparently preparing to leave the port of Valparaiso, and probably with the intention of proceeding to Callao; but I learned subsequently that he had actually left Valparaiso on the preceding night, which circumstance had not been communicated to me by Mr. Consul Rouse; since then it has become known here, that the Spanish Admiral, instead of proceeding to Callao, has remained on the Chilean coast, and on the 5th instant had anchored in the Bay of Caldera.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

No. 120.

Mr. Thomson to Earl Russell.—(Received January 29, 1866.)

My Lord,

Santiago, December 16, 1865.

IN continuation of my despatch of the 2nd instant, I have the honour to report that intelligence arrived here by the intermediate steamer from Callao, of General Canseco's having retired from the Government, and of the establishment of a dictatorship in Peru by Colonel Prado. This intelligence has been received in Chile with the greatest enthusiasm, and little doubt appears to be entertained by the Chilean Government and people of its being equivalent to a declaration of war against Spain by Peru. Some time since, it was believed here that an arrangement had been concluded between the revolutionary party in Peru and the Chilean Government, by which the Peruvian ships of war in the hands of the former should be placed at the disposal of the latter, and also that an understanding had been come to authorizing the occupation by Chilean seamen of the Peruvian iron-clad, then supposed to be on her way from England under the command of the Chilean Salcedo. Subsequently, I was informed that the small Chilean war steamer "Independencia" was, on the 10th instant, ready to proceed to sea from the port of Constitution, with the large number of Chilean seamen and artillerymen who some time ago had been collected at that port, along with the Chilean naval architect M. Dupratt; and I now learn from a source in which I place some reliance, that this was not, as I had supposed, intended to man the "Esmeralda" and "Covadonga," but to be detailed for service on board Peruvian ships of war.

In a telegram which reached Santiago after the arrival of the mail-steamer yesterday afternoon, it was stated that two of the Peruvian ships of war "Apurimac" and "Amazonas" had been seen in the latitude of Arica, standing to the south, but my infor-

mation is, that those two ships have already joined the Chilean ships of war "Esmeralda," "Covadonga," and "Maypù," and moreover that the two Peruvian corvettes "Union" and "America" are also at Coronel taking in coal. If this therefore be true, the united Chilean and Peruvian force is such, that it will be able to capture in detail the blockading ships at Valparaiso and Coquimbo, if surprised. Admiral Pareja had, however, re-appeared, after a short absence at Caldera, and was joined there by the Spanish iron-clad "Numancia," which left the port of Callao on the same day as the mail-steamer. Should he, therefore, learn that the Peruvian ships of war are in the southern waters of Chile, he may anticipate the movement of the combined squadron, by raising the blockade and concentrating his forces. The Chilean Government on its side, would appear to be exerting all their energy in providing such a number of Chilean seamen (who, as compared with Peruvian seamen, are esteemed much more efficient) as will ensure the proper handling of all the ships forming the combined squadron when brought into action. In the meantime, it is reported that Admiral Pareja has left Caldera in the "Villa de Madrid," and is supposed to have steered a southern course.

Should the belligerent naval forces meet, when each has been concentrated, I apprehend the combined squadron will suffer a defeat, but should the blockading vessels at Valparaiso and Coquimbo be surprised, the "Villa de Madrid," "Numancia," and "Berenguela," will have difficulty in maintaining themselves in the waters of the Pacific, until other vessels shall have arrived from Spain.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

No. 121.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, January 30, 1866.

IT appears by a note which the Spanish Minister in Peru addressed to the members of the Diplomatic Body before his departure for Panama on the 21st of December, of which I inclose a copy,* that the grounds on which he had adopted that step were that neither on the accession of General Canseco, to the Supreme Authority in the Republic, nor on the substitution of Colonel Prado for General Canseco, was any communication of the fact made to the Spanish Minister, as it was to the Representatives of other Powers at Lima; and further, that during the period of General Canseco's administration, notwithstanding that the Spanish Minister had frequent conferences with M. Lapuente, the Minister for Foreign Affairs, and had addressed a note to him with the object of explaining his situation, General Canseco's Government fell without having entered into relations with the Spanish Minister, and leaving his note unanswered.

The despatches of Her Majesty's Acting Chargé d'Affaires, the date of the last being the 28th of December, contain no further allusion to the relations between Spain and Peru.

The despatches from Her Majesty's Chargé d'Affaires and Consul-General in Chile, the latest date of which is the 16th of December, seem to indicate an expectation in Chile that the Chilean and Peruvian naval forces would act in concert against the Spanish naval forces, though no very sufficient grounds are stated to show that Peru has resolved upon commencing hostilities against Spain.

You may communicate verbally to M. Bermudez de Castro the substance of the despatches which I inclose,† giving him a copy of the Spanish Minister's note to the Diplomatic Body at Lima, in case he should not have openly received one.

I am, &c.

(Signed) CLARENDON.

No. 122.

The Earl of Clarendon to Mr. Barton.

(Extract.)

Foreign Office, January 30, 1866.

IT appears by your despatch of the 22nd of December last that the Spanish Minister had retired from Peru. The grounds of this step seem to be the marked inatten-

* Inclosure in No. 118.

† Nos. 119 and 120.

tion shown to him by the Government of General Canseco and by that of Colonel Prado.

Her Majesty's Government are not informed of any other ground, neither do you furnish me with any information which can enable me to judge whether the withdrawal of the Spanish Minister is likely to be followed by a declaration of war on the part of Spain against Peru, or of Peru against Spain; for as yet Her Majesty's Government are unacquainted with the course which will be taken at Madrid or at Lima under the circumstances now known to exist.

An impression seems to prevail in Chile that the overthrow of General Pezet's Government would immediately be followed by an alliance between Peru and Chile directed against Spain; and it is even supposed that the Chilean and Peruvian vessels of war in the Pacific were about to be formed into one squadron, by which combined operations would be undertaken against the Spanish ships engaged in the blockade of the ports of Chile.

The impression that hostilities between Peru and Spain were imminent has extended to this country; and the haste with which certain ships building here on account of the Peruvian Government have been sent to sea would seem to indicate that the Peruvian Agents in Europe are in the expectation that such hostilities will shortly be declared.

The opportunity for exhortation to a peaceful policy may therefore have passed away before this despatch can have reached you; but if war should not be declared by that time it is the desire of Her Majesty's Government that you should earnestly recommend the Peruvian Government to keep aloof from the war in which its sister Republic is involved, and to adopt a conciliatory policy in its relations with Spain.

The Peruvian Government may infer from the efforts making by the Governments of England and France to restore, by the employment of their good offices, a state of peace between Chile and Spain, that any extension given to that war would be very unfavourably received in Europe, as it would probably also be in the United States of North America.

The general views of Her Majesty's Government in regard to the war between Spain and Chile are expressed in the despatch to Her Majesty's Representatives in Brazil, Buenos Ayres, and Monte Video, of which I inclose a copy,* and which will serve to guide your own language.

No. 123.

The Secretary to the Admiralty to Mr. Hammond.—(Received January 31.)

Sir, *Admiralty, January 30, 1866.*
I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Clarendon, a copy of a letter dated the 17th December, from Rear-Admiral Harvey, reporting proceedings, and containing intelligence relating to the state of affairs in Chile and Peru.

I am, &c.
(Signed) W. G. ROMAINE.

Inclosure in No. 123.

Commodore Harvey to the Secretary to the Admiralty.

Sir, *"Leander," at Valparaiso, December 17, 1865.*
IN continuation of my letter dated the 2nd instant, I have the honour to report, for the information of the Lords Commissioners of the Admiralty, that the United States' corvette "St. Mary's" arrived at Cobija on the 30th ultimo, and finding all quiet at that place and neighbourhood sailed on the same day for Callao.

Vice-Admiral Pareja did not go to Talcahuano, but has called off Papuda, at Coquimbo and Caldera, having left the last-named on the 12th instant, destination not known.

Finding from our vessel being warned off, that the ports of Talcahuano and Tomé are notified as blockaded, I have written to Her Majesty's Consul to request information as to the time they have been left open, and to ask him, in case of any ships going there with these ports named on their papers, to note the fact of the time the ports have been

blockaded under such notification. On receiving his answer if the ports are open, I intend making an official remonstrance to the Spanish Admiral.

Colonel Prado has declared himself Provisional Supreme Chief of Peru, and has promised to support a policy that is likely to bring on fresh complications with the Spanish Government.

Her Catholic Majesty's ships "Numancia," "Berenguela," and "Marquess de la Victoria" were at Caldera, and the "Blanca" at Coquimbo, when the packet called. The "Resolución" and "Vencedora" are still blockading this port.

The Italian frigate "Prince Humbert," and the United States' gun-vessels "Mohongo" and "Myack" remain in this port.

I have, &c.
(Signed) THOS. HARVEY.

No. 124.

Sir J. Crampton to the Earl of Clarendon.—(Received February 1.)

(Extract.)

Madrid, January 28, 1866.

HAVING asked Señor Bermudez de Castro what measures the Spanish Government had taken for replacing Admiral Pareja as Spanish Plenipotentiary in regard to the affairs of Chile and Peru, and what would be the nature of the instructions to whoever was now to be invested with that character in the Pacific, his Excellency replied that he had already addressed a despatch to the Marquis de Molins, and a similar despatch to the Spanish Ambassador at Paris, for communication to the English and French Governments respectively, in which the nature of the instructions which recent occurrences had rendered necessary to be sent to the Spanish Plenipotentiary was stated.

Señor Bermudez de Castro observed that if, as he hoped would prove to be the case, the officer upon whom the command of the Spanish squadron had devolved upon the death of Admiral Pareja, had already, by some signal act, vindicated the honour of the Spanish flag, and placed Spain and Chile on terms of equality, the instructions sent to Admiral Pareja on the 18th ultimo at the suggestion of the English and French Governments might be carried into effect; but if this had not been the case, it was felt by Spain that those instructions would not longer be applicable to the altered position of the contending parties.

In short, said Señor Bermudez de Castro, the proceedings of the Chilean Government have been of such a nature, and the means to which they have resorted for carrying on the war of such a character, and so little responsive to the moderate and honourable conduct of that of Spain, that it has become the first duty of the Spanish Government to avenge the injuries which have been inflicted upon the honour of the national flag. In this endeavour, observed his Excellency, we must sink or swim, and nothing can absolve us from the necessity of using every effort to accomplish so sacred an object.

His Excellency strongly censured the conduct of the Commander of the Chilean frigate "Esmeralda" as inconsistent with the usages of civilized warfare, and the whole tone of the proceedings of the Chilean Government with respect to Spain as intolerable to a nation which had a proper sense of its dignity.

No. 125.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, February 1, 1866.

I HAVE received this morning your despatch of the 28th of January.

The Marquis de Molins has not yet made to me the communication respecting the nature of the instructions which have been given to the naval commander of Spain in the Pacific, which Señor Bermudez de Castro's language to you has prepared me to expect. I can therefore only say that Her Majesty's Government most earnestly hope that the "signal act" for the vindication of the honour of the Spanish flag, and for placing Spain and Chile on terms of equality, to which M. Bermudez de Castro alludes, will not involve such a calamity as the bombardment of Valparaiso, or any other seaport towns in which there is a large accumulation of property belonging to neutrals.

But Her Majesty's Government, you will not disguise from Señor Bermudez de Castro, are much pained to observe that he contemplates the possibility of the eventual rejection

by Spain of the good offices of England and France, which she has already accepted, and which Her Majesty's Government would fain hope have been by this time crowned with success, unless some reparation has been obtained for an incident of war not known to have occurred when Spain accepted the good offices of the two Powers, but which, when war was in progress between two maritime States, might very well have occurred to either of the belligerents, and the possibility of which occurrence could not reasonably have been overlooked when the question of offering and accepting good offices was in debate may thousand miles away from the scene of belligerent operations.

You will read this despatch to Señor Bermudez de Castro.

I am, &c.
(Signed) CLARENDON.

No. 126.

*Mr. Hammond to the Secretary to the Admiralty.**

My Lord,

Foreign Office, February 2, 1866.

HER Majesty's Government being desirous of observing the strictest neutrality in the contest between Spain and the Republic of Chile, they purpose, with the view of more effectually carrying into effect this principle, to interdict the armed ships, and also the privateers of both parties, from carrying prizes made by them into the ports, harbours, roadsteads, or waters of the United Kingdom, or any of Her Majesty's Colonies or possessions abroad.

I have accordingly to acquaint your Lordships that the Queen has been pleased to direct that orders in conformity with the principles above stated, should forthwith be addressed to all proper authorities in the United Kingdom, and to Her Majesty's naval or other authorities in all quarters beyond the United Kingdom for their guidance in the circumstances.

I am, &c.
(Signed) E. HAMMOND.

No. 127.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, February 3, 1866.

I TAKE advantage of the French packet to forward to you a copy of a despatch which I yesterday received from Her Majesty's Minister at Madrid, and a copy of my reply.†

You will perceive from this correspondence that the capture by the Chilean steamer "Esmeralda" of a Spanish gun-boat, the "Covadonga," has produced great excitement at Madrid, so much so as to cause the Spanish Minister to contemplate the probability of a withdrawal of the acceptance by Spain of the good offices of England and France, unless some signal reparation shall have been obtained for the success which attended Chilean enterprise on the occasion in question.

You will see that Her Majesty's Government have lost no time in endeavouring to counteract this unfavourable tendency on the part of the Spanish Government, and it may be hoped that the Court of Madrid will take no precipitate measures under existing circumstances.

But it is all the more important to bring this unfortunate war to an end before fresh complications arise to render reconciliation through the good offices of friendly Powers all the more difficult, if not utterly impossible; and, therefore, you will earnestly press the Chilean Government to lose no time in accepting the proposals which you have been instructed to make to it, in conjunction with your French colleague, and so put an end to hostilities which can only be attended with disastrous consequences to both belligerents.

I am, &c.
(Signed) CLARENDON.

* Similar letters were addressed to the India, War, Colonial, and Home Offices.

† Nos. 124 and 125.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, February 3, 1866.

THE Spanish Minister called at this office to-day, and said that he had received instructions to inform me that the terms upon which the Government of Her Catholic Majesty had accepted the good offices of England and France were no longer applicable in consequence of the capture of the Covadonga, and the manner in which war was carried on by the Chileans, and that some signal act of reparation to the honour of the Spanish flag was indispensable in order to restore the equilibrium between the two countries, and render it possible for Spain to abide by the terms to which she had agreed.

I told the Marquis de Molins that I had listened to this announcement with surprise and regret, and that I hoped it would be reconsidered by his Government, who must have well known at the time when the good offices of England were accepted, that war had been declared against Spain by Chile, and that before any communication could reach Chile many weeks would elapse, during which the events incidental to a state of war were likely to happen; but that no condition in contemplation of such events had been made at Madrid. Each nation, I said, was the best guardian of its own honour, and Her Majesty's Government had no pretension to indicate to Spain the course of proceeding that might be best calculated for that purpose; but I earnestly hoped that the Spanish Government would bear in mind the position that England and France would be placed in if the Chilean Government accepted the terms of reconciliation, and that Spain afterwards refused to ratify them upon the ground that she had not taken vengeance of Chile for acts that had been committed since those terms had frankly, and without reserve, been accepted by Spain.

The Marquis de Molins said that he had not alluded to ratification, which word was not contained in the despatch he had received from Señor Bermudez de Castro.

I answered that the word was a matter of indifference, as the meaning was clear of the Spanish Government not to abide by conditions which it had assented to, and which had in consequence been formally presented and recommended to the Chilean Government by England and France, and that this would introduce into the affair a fresh complication of a character so serious that it ought not to be allowed to occur.

I am, &c.

(Signed) CLARENDON.

Sir J. Crampton to the Earl of Clarendon.—(Received February 6.)

My Lord,

Madrid, February 2, 1866.

IN obedience to the instructions contained in your Lordship's despatch of the 27th ultimo, I expressed to Señor Bermudez de Castro the hope of Her Majesty's Government that if war should unfortunately break out between Spain and Peru the Spanish commanders may be instructed to protect the interests of British subjects as respects the exportation of guano from that country.

Señor Bermudez de Castro replied, that in the first place there did not exist war between Spain and Peru, and he had good hopes that the peaceable relations between the two countries would be preserved; in the second place, he did not foresee, even in case of a rupture, that the seizure of the Chincha Islands by Spain was a necessary or probable consequence of such a rupture; and in the third place, supposing such a contingency to arise, I might recollect that when the Spanish forces, on the occasion of a former difference with Peru, took possession of and held the Chincha Islands for a considerable time, the interests of neutral proprietors in regard to the guano thereupon had in nowise been disturbed, and its exportation had been carried on without interruption, and without complaint on the part of those concerned.

The same fears as those I now brought under his notice had, it was true, at first been expressed, but it was not to be supposed, even if Spain were again to be involved in differences with Peru, and were again to occupy the Chincha Islands as a material guarantee (which last he thought by no means a probable event), that the neutrals who were interested in the exportation of the guano would be placed by a Spanish occupation in a worse position than they had formerly been under like circumstances.

His Excellency observed in general that if war was now to take place between Spain

and Peru it could only be in the case that Peru were determined to declare it, or to make it, for Spain neither desired nor sought a rupture, nor had done anything to provoke one with Peru.

I have, &c.
(Signed) JOHN F. CRAMPTON.

No. 130.

Sir J. Crampton to the Earl of Clarendon.—(Received February 6.)

(Extract.)

Madrid, February 2, 1866.

IN the course of a conversation to-day with Señor Bermudez de Castro on the subject of the relations between Spain and Peru, and the apparent rupture which was to be inferred from the withdrawal of the Spanish Minister from Lima, his Excellency said that the Minister in question, Señor Albistur, had now arrived at Madrid, and that he (Señor Bermudez de Castro), after listening to and taking into consideration the explanations which Señor Albistur had offered in regard to his motives and proceedings, had been obliged to inform him not only of the disapproval of Her Catholic Majesty's Government of his having quitted his post at Lima, but of their great displeasure at many of his acts and proceedings which had led to such a result.

The motives which he alleged were, in the opinion of Her Catholic Majesty's Government, altogether insufficient to justify such a step; and Señor Albistur, he was sorry to say, had in that respect, and in others, acted not only without instructions, but in direct contradiction to the spirit of those which he had received. By those instructions he was distinctly informed that the Spanish Government had no desire to take part or to interfere even by the expression of an opinion in the internal political affairs of Peru, that consequently, in the event of the overthrow by a resolution of the Government of General Pezet, or of any other Government in Peru, he was to put himself into relations with whatever Government replaced it. This he had not only neglected to do, but by a conduct which could only be ascribed to the confusion of mind caused by personal alarm he had given rise to an impression on the part of the Peruvians altogether contrary to that which the Spanish Government desired should exist, and utterly unfounded in fact. He had thereby placed his Government in a position of great embarrassment and difficulty, involving serious consequences, the more difficult to be avoided from the great distance of the scene of action, and the length of time which must elapse before errors could be rectified or misconceptions could be cleared up.

At the time of my conversation to-day with Señor Bermudez de Castro, I had not received your Lordship's despatch of the 30th ultimo, but I shall not fail to take an immediate opportunity of communicating to his Excellency verbally the substance of the despatches of which your Lordship incloses copies. With regard to Señor Albistur's note to the Diplomatic Body at Lima, Señor Bermudez de Castro has no doubt been made acquainted with that document by Señor Albistur himself.

No. 131.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, February 6, 1866.

I HAVE received your despatch of the 12th ultimo, inclosing a copy of a further note which you had received from the Spanish Minister for Foreign Affairs relative to the conduct of the Commander of the Spanish ship-of-war "Berenguela," in threatening to bombard Coquimbo; and I have to inform you that I shall defer giving you any further instructions in this matter, until I have been made acquainted with the explanation of the captain of the "Berenguela."

I am, &c.
(Signed) CLARENDON.

The Earl of Clarendon to Sir J. Crampton.

(Extract.)

Foreign Office, February 8, 1866.

I INCLOSE a copy of a letter which I have addressed to the different Departments of Her Majesty's Government,* with a view of excluding from British ports all prizes which may be made by Spanish or Chilean vessels of war or privateers, together with copies of a Proclamation by Her Majesty,† declaring her neutrality in the war now existing between Spain and Chile.

No. 133.

Mr. Thomson to the Earl of Clarendon.—(Received February 12, 1866.)

My Lord,

Santiago, December 22, 1865.

I HAVE the honour to inclose to your Lordship a copy of a letter which I have received from Commodore Harvey, announcing the death of Vice-Admiral Pareja, Commander-in-chief of Her Catholic Majesty's naval forces in the Pacific, and his having been succeeded in that command by Commodore Don Casto Mendez Nuñez of the "Numancia."

Don Casto Mendez Nuñez, on board the "Villa de Madrid," arrived yesterday at Valparaiso, and his flag was saluted by the foreign ships of war in that port. I have pleasure in reporting that on the death of Admiral Pareja becoming known to the Chilean Government, the Intendente of Valparaiso was instructed to express to the Spanish officer in command their readiness to receive the body for interment in the cemetery of that city, until his Government or family might determine its final disposal; an offer which has been very courteously acknowledged by Captain Topete of the "Blanca," the Admiral having been buried at sea.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure in No. 133.

Commodore Harvey to Mr. Thomson:

Sir,

"Leander," Valparaiso, December 19, 1865.

I HAVE the honour to inform you that Captain Topete, of Her Catholic Majesty's ship "Blanca," who arrived at this anchorage last evening, has this day reported to me that Vice-Admiral Pareja died on board the "Villa de Madrid" on the 29th ultimo, and was buried at sea. Commodore Don Casto Mendez Nuñez, of the "Numancia," has hoisted his flag on board of the "Villa de Madrid," and succeeds the late Admiral in command of the Spanish squadron. He is expected to arrive at this port to-morrow, or the day following.

I have, &c.

(Signed) THOS. HARVEY.

No. 134.

Mr. Thomson to the Earl of Clarendon.—(Received February 12.)

My Lord,

Santiago, January 1, 1866.

WITH reference to the Spanish subjects detained here, in conformity with the edicts issued by this Government, although no rigorous measures have been employed towards them, I am still of opinion that if in the course of hostilities any act should occur causing popular excitement in the capital, where they are assembled, the lives of those persons are as much exposed as formerly.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

* No. 126.

† Inclosure in No. 140.

Mr. Thomson to the Earl of Clarendon.—(Received February 12.)

(Extract.)

Santiago, January 1, 1866.

DURING the last fortnight no act of hostility has occurred between the Spanish and Chilean forces, but the position of the former would appear to be daily becoming more and more critical. The proposals of the Chilean Government to enter into an offensive and defensive alliance with Peru, which were rejected by the late President Pezet, as well as by the ex-Vice-President Canseco, would appear to have been accepted by Colonel Prado, previous to his election to the Dictatorship, and to have been adhered to by him after he had assumed that character. A few days ago the Chilean Congress was summoned to a secret session, and by it a Treaty of Alliance, offensive and defensive, negotiated by Señor Santa Maria, the Special Agent of Chile at Lima, was unanimously accepted and ratified. The terms of this Treaty have not yet been made public, but I am informed that they are to the effect that the two States are to aid each other mutually with their land and naval forces, and at the termination of hostilities the account of expenditure is to be adjusted according to the number of men and material furnished by the respective States. The immediate consequence of this Treaty will be to close the Peruvian ports from which hitherto the Spanish squadron has been drawing its supplies of provisions and coal; and, indeed, it is reported here that already four vessels chartered by the late Admiral Pareja to convey supplies to the squadron have been prevented from leaving the port of Callao. The present ruler of Peru appears at present to be warmly supported by the army; but, as he has commenced a reduction of salaries of the employés of the Government, and the abolition of the numerous sinecure offices in that country, it is by no means impossible that before long discontent may give rise to a fresh insurrectionary movement there, which might cause not only the overthrow of the Dictator, but also the nullification of his acts.

Although the two Peruvian frigates "*Amazonas*" and "*Apurimac*" are in the south of Chile refitting, the Peruvian corvettes referred to in my despatch of the 16th December last, as having been reported coaling at Coronel, are still in the Peruvian waters.

The question which at present causes me most uneasiness is that of provisions. I have no fear of bombardment of unfortified towns of Chile on the part of the Spanish Commander, either as a simple act of hostility or as an act of vengeance; but if, from the closing of the ports of Peru, the Spanish Acting Admiral should find himself hard pressed for provisions, he may consider it his duty to demand from Valparaiso, or any town on the coast, a contribution either in kind or in money, and if rejected, might then consider himself justified, and even incumbent upon him by military law, to enforce that demand by every means at his disposal, even if it should be by the bombardment of an unprotected town.

Mr. Thomson to the Earl of Clarendon.—(Received February 12.)

(Extract.)

Santiago, January 1, 1866.

I HAVE the honour to acquaint your Lordship that a few days before the arrival of the mail steamer at Valparaiso on the 29th ultimo with the mails from Europe, M. Migliorati, the Italian Minister Resident, went on board the "*Villa de Madrid*" and had an interview with Don Casto Mendez Nuñez, the Acting Commander-in-chief of the Spanish squadron.

Señor Mendez Nuñez is said to have used the following expression: "*Que no existiendo para el los mismos motivos que tenia el Almirante Pareja para llevar adelante la cuestion, anhelaba mucho que fuese traída a una solucion pacifica.*" ("That as there did not exist, as regarded himself, the same motives which Admiral Pareja had for pushing on the question, he greatly desired that it might be brought to a pacific solution.")

Having this afternoon waited upon his Excellency the President to offer him the usual compliments of the day, I took the opportunity to inquire if anything had passed between the Government and M. Migliorati. He confirmed the statement which had previously reached me, and added that when the Government was informed of this circumstance they had requested Señor Mendez Nuñez to indicate what proposition he had to offer; that several days, however, had passed without any further communication on the subject, and that although he (the President) sincerely desired the re-establishment of peace, if it could be effected without derogating from the honour of the country,

such a result was not now so easy for Chile to accomplish, on account of the relations in which she had recently engaged; and on my insinuating that the relations he referred to were with Peru, he admitted it was the case, and that she required to be consulted before Chile could enter into any arrangement.

No. 137.

Mr. Barton to the Earl of Clarendon.—(Received February 12.)

(Extract.)

Lima, January 13, 1866.

ON the 4th instant Señor Don Domingo Santamaria was received by his Excellency the Provisional Supreme Chief, as Envoy Extraordinary and Minister Plenipotentiary from the Republic of Chile. In accordance with the Minister's address to his Excellency on his reception, which was as follows: "At all times, missions like that with which I have been encharged denote for both Republics a testimony of cordial friendship; but the present, if it is also a proof of this same cordiality, it is especially the expression of that intimate fraternity which the common danger unites, and of a secure and sincere alliance, which relies, more than on a domestic interest, on an interest eminently American;"—the object of his mission appears to be to ratify the Treaty, offensive and defensive, between Peru and Chile.

It is expected that the Treaty will be made public in a few days, when I shall transmit it to your Lordship.

No. 138.

Sir J. Crampton to the Earl of Clarendon.—(Received February 12.)

My Lord,

Madrid, February 9, 1866.

IN obedience to your Lordship's instructions, I did not fail to place in the hands of Señor Bermudez de Castro a copy of your Lordship's despatch of the 27th ultimo, stating the objections of Her Majesty's Government to certain points in regard to the constitution of the Prize Court which the Spanish Government announced its intention of establishing within Spanish territory in place of that established by the late Admiral Pareja on board his flag-ship, for the adjudication of captures of neutral vessels by the Spanish forces blockading certain ports of Chile.

I have not yet received any reply to this communication, but I have now the honour to inclose the translation of a note addressed to me by Señor Bermudez de Castro, dated the 4th instant, but which was not delivered to me until last night, by which your Lordship will observe that his Excellency announces that in consequence of the new character which the conflict between Spain and Chile has assumed, Her Catholic Majesty's Government find it necessary to maintain, in the exercise of its functions, in certain determinate cases, the nature of which he explains, the tribunal established by Admiral Pareja, and expresses the hope that, under the existing circumstances, Her Majesty's Government will not make this determination the subject of any fresh observations.

I have, &c.

(Signed) JOHN F. CRAMPTON.

Inclosure in No. 138.

Señor de Castro to Sir J. Crampton.

(Translation.)

Sir,

Palace, February 4, 1866.

SINCE I addressed to your Excellency my note of the 6th ultimo, in which I made you acquainted with the resolution of Her Majesty's Government regarding the establishment of a Prize Court in Spanish territory, according to the desires of the British Cabinet, the circumstances of the war with Chile have changed in such a manner, in consequence of the direct aggressions to which the Spanish forces have been subjected by those of the Republic, that the Government of the Queen, jealous of the honour of the nation, and sensible of the duty of effecting its vindication at any cost, finds itself compelled to adopt an energetic line of conduct which no longer comports with the temperance and moderation evinced until now in regard to the matter in question.

When our forces had limited themselves to the blockade of some of the Chilean ports, maintaining it with but little rigour, and observing all possible consideration for the interests of neutral nations, the Government of Chile did not hesitate to undertake, as your Excellency knows, a description of aggressions which scarcely find their justification in the usages of war, and are but little conformable with the practices of civilized countries.

Spaniards residing inoffensively in the Republic have been the objects of arbitrary measures, of which there is no recent example even among other nations who do not boast of as much enlightenment and culture as Chile.

The Agents of the Republic who have repaired to Europe have omitted no effort to effect the issue from neutral ports, of vessels armed as privateers which are destined to prey upon our commerce, and it is to be believed that there are now at sea some ships for this purpose; and finally, an attack has taken place, under circumstances of treachery, against the Spanish schooner "Covadonga," which after an obstinate but unequal combat, had to yield to the superiority of size and armament of the Chilean corvette "Esmeralda," which, notwithstanding those advantages availed herself of stratagems unworthy of any navy which respects itself.

In such a state of things the operations of the squadron of Her Majesty, both as to attack and defence, must be carried on with the activity and vigour which are required by the character which the conduct of the Government of Chile has given to the war, the case having arisen in which it is necessary that prompt and just vengeance should be taken for the Spanish blood which has been spilt.

The Government of Her Britannic Majesty, which has always shown itself so jealous of the dignity of his country, cannot do less than applaud our firm determination to repair the offence of the Spanish flag, and will consequently feel no surprise that for the attainment of so noble an end, the Government of the Queen should cease to regulate itself strictly according to resolutions which were the natural consequence of a system of moderation and temperance which can have now no effect.

In saying this, I refer principally to the question of the Prize Court, which was treated of in my above-mentioned note of the 6th of January, in reply to that of your Excellency of the 28th of December last.

It cannot escape the right judgment of the British Government that under the present circumstances of the war with Chile, carried on by Spain at so great a distance, with forces which only can and ought to be used in attack and in defence for obtaining in the shortest possible time the exclusive object of revenging an affront, it must be difficult, if not impossible, to convey prizes to a Spanish port, inasmuch as they would have to be equipped by Spanish crews, provided with provisions for a long voyage, when there is no means of obtaining them, and, besides, provided with means of defence as much as may be necessary.

Under such circumstances, it must be admitted that the Government of Her Majesty, notwithstanding its goodwill and its best desires, is without the means of carrying into effect, in their totality and without delay, the arrangements which were agreed upon respecting prizes, at a time when Spain had not been provoked to a sanguinary struggle as she has now been by the Republic of Chile. However, in expressing itself in this manner, it is not the desire of the Queen's Government to withdraw itself from what it offered in regard to the establishment of a Prize Court in a Spanish port. It is proposed only to call the attention of the British Government to the new situation which has subsequently been created in consequence of the unjustifiable conduct of the Republic of Chile; and to state the powerful and irrefragable reasons which at the present time require that the tribunal created by the late General Pareja should fulfil its functions in certain determinate cases.

These will be solely those in which may be legalized, as far as may be possible, the detention of a vessel in case there should occur some grave and unforeseen event which may require the employment of extreme measures in regard to the hazards of the war.

The sentences which in such cases the above-named tribunal may pronounce will have no other character than that of the qualification, in the first instance, of the legality or illegality of the detention; being, moreover, the means of justifying the extreme measures to which I have referred when they may have been inevitable; without prejudice that there always remains available the action of the competent tribunal on Spanish territory for the definitive judgment.

Exclusively of the circumstance above mentioned, the prizes will come, as far as the requisitions of the war permit it, to that part of the Peninsula where they have to be judged according to the forms prescribed by the Ordonnances of the Marine, with all those means of defence which the laws authorize.

In the tenour above expressed, the necessary instructions have been communicated to

the Acting Chief of the squadron in the Pacific; and, persuaded as I am that the British Government will know how to appreciate the well-founded reasons which actuate the proceedings of Her Majesty the Queen in presence of the grave situation which the conflict with Chile has assumed, I entertain the hope that the Cabinet of London will not make the affair of which this note treats the subject of fresh observations.

I avail, &c.

(Signed) BERMUDEZ DE CASTRO.

No. 139.

The Secretary to the Admiralty to Mr. Hammond.—(Received February 13.)

Sir, Admiralty, February 12, 1866.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Clarendon, a copy of a letter dated the 2nd January, from Rear-Admiral Harvey, with copies of its inclosures, reporting proceedings and containing intelligence respecting the state of affairs in Chile and Peru.

I am, &c.

(Signed) W. G. ROMAINE.

Inclosure 1 in No. 139.

Commodore Harvey to the Secretary to the Admiralty.

(Extract.) "Leander," at Valparaíso, January 2, 1866.

IN continuation of my letter dated 17th December, I have the honour to report, for the information of my Lords Commissioners of the Admiralty, that on the 13th I informed Captain Valcarul, of Her Most Catholic Majesty's ship "Resolución," senior officer enforcing the blockade of this Bay, that as he continued to notify on ship's papers when warned off that the ports of Talcahuano and Tomé were blockaded, which I had reason to suppose were open, and that, if so, it was in my opinion illegal, he at once ceased warning them. Her Majesty's Vice-Consul at Talcahuano, by letter dated December 19th, informs me that the blockade was raised on the 29th of November, and that no Spanish vessel of war had been since seen.

On the 18th of December, Her Most Catholic Majesty's ship "Blanca," Captain Topete, arrived from Coquimbo. He reported the death of Vice-Admiral Pareja, of which I received official notification from Commodore Nuñez (who has succeeded to the command) on the 21st of December, 1865, on his arrival in the "Villa de Madrid," a copy of which is annexed. The late Admiral's death had been kept a close secret until the arrival of the "Blanca." He died on the 29th of November, and his body was committed to the deep from a boat the same night, some five miles out at sea. On hearing of the Admiral's death, the Chilean Government offered burial with military honours, &c.

On Commodore Nuñez' arrival, he gave me notice that the ports of Coquimbo, Guayacan, Talcahuano, and Tomez were open.

Caldera and Valparaíso are the only ones now blockaded.

Her Most Catholic Majesty's ship "Resolución" left on the 26th of December, destination unknown.

As by the late Admiral's regulations with regard to the Pacific Steam Navigation Company's mail steamers they were only to call at the blockaded ports, I communicated with the Commodore on this point, Coquimbo being an important mail station, and have obtained permission for them to call as heretofore; a copy of my letter on the subject to Commodore Nuñez is attached.

A vessel under Chilean colours, owned by a Spaniard, with master, mate and half the crew of that nation, was boarded last week within a few miles of this port by two Chilean whale boats, taken possession of and delivered up to the Chilean Government at the port of San Antonio.

The Chilean vessels of war are supposed to be in the south, and to have been joined by the Peruvian ships "Apurimac" and "Amazonas." The Peruvian corvettes "America" and "La Union" were coaling in Arica when the packet passed.

Her Most Catholic Majesty's Minister in Peru has left for Europe.

A British ship at Callao chartered with coal for the Spanish squadron has been detained by the Peruvian Government.

A battery for 300-pounder Blakeley gun is building on Callao Spit.
Her Majesty's ship "Columbine" remains at this anchorage, and the "Shearwater" is at Callao.

The Spanish blockading squadron, the Italian frigate "Prince Humbert," and two American gun-boats "Mohango" and "Nyack," continue at this anchorage.

I have, &c.
(Signed) THOS. HARVEY.

Inclosure 2 in No. 139.

Commodore Harvey to Commodore Nuñez.

Sir,

"Leander," Valparaiso, December 30, 1865.

BY the late Admiral's concession with regard to the mail steam-vessels of the Pacific Steam Navigation Company, he allowed them to call at the blockaded ports only.

I have the honour to request that you will inform me whether they are now permitted to call at Coquimbo, as the blockade of that port has been raised.

It would be a great convenience to all neutrals if these steamers were granted permission to call at their usual mail ports, viz., Caldera, Coquimbo, and Valparaiso. I have received directions from Her Majesty's Government by the last mail packet to endeavour to make such arrangements with you as will allow the mails to be carried to the usual ports, which is considered a matter of great importance.

I have, &c.
(Signed) THOS. HARVEY.

No. 140.

The Earl of Clarendon to Mr. Thomson.

(Extract.)

Foreign Office, February 16, 1866.

I TRANSMIT to you herewith, for your information, a copy of a letter which I have addressed to the different Departments of Her Majesty's Government* with a view of excluding from British ports all prizes which may be taken by Spanish or Chilean ships, together with copies of a Proclamation by Her Majesty, declaring her neutrality in the war between Spain and Chile.

Inclosure in No. 140.

By the Queen.

A Proclamation.

Victoria R.

WHEREAS we are happily at peace with all Sovereigns, Powers, and States :

And whereas hostilities have unhappily commenced between the Government of Spain and the Government of the Republic of Chile :

And whereas, we being at peace with both the said Governments, have declared Our Royal determination to maintain a strict and impartial neutrality in the contest between the said contending parties :

We, therefore, have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation :

And We do hereby strictly charge and command all Our loving subject to observe a strict neutrality in and during the aforesaid hostilities, and to abstain from violating or contravening either the laws and statutes of the realm in this behalf, or the law of nations in relation thereto, as they will answer to the contrary at their peril.

And whereas, in and by a certain statute made and passed in the fifty-ninth year of His Majesty King George the Third, intituled "An Act to prevent the enlistment or engagement of His Majesty's subjects to serve in a foreign service, and the fitting out or

equipping, in His Majesty's dominions, vessels for warlike purposes, without His Majesty's license," it is, amongst other things, declared and enacted as follows :—

"That if any natural-born subject of His Majesty, His heirs and successors, without the leave or license of His Majesty, His heirs or successors, for that purpose first had and obtained, under the sign manual of His Majesty, His heirs or successors, or signified by Order in Council, or by proclamation of His Majesty, His heirs or successors, shall take or accept, or shall agree to take or accept, any military commission, or shall otherwise enter into the military service as a commissioned or non-commissioned officer, or shall enlist or enter himself to enlist, or shall agree to enlist, or to enter himself to serve as a soldier, or to be employed, or shall serve in any warlike or military operation, in the service of, or for, or under, or in aid of any foreign prince, state, potentate, colony, province, or part of any province or people, or of any person or persons exercising, or assuming to exercise, the powers of government in or over any foreign country, colony, province, or part of any province or people, either as an officer or soldier, or in any other military capacity; or if any natural-born subject of His Majesty shall without such leave or license as aforesaid, accept or agree to take, or accept any commission, warrant, or appointment as an officer, or shall enlist or enter himself, or shall agree to enlist or enter himself, to serve as a sailor or marine, or to be employed, or engaged, or shall serve in and on board any ship or vessel of war, or in and on board any ship or vessel used or fitted out, or equipped, or intended to be used for any warlike purpose, in the service of, or for, or under, or in aid of any foreign power, prince, state, potentate, colony, province, or part of any province or people, or of any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people; or if any natural-born subject of His Majesty shall, without such leave and licence as aforesaid, engage, contract, or agree to go, or shall go to any foreign state, country, colony, province, or part of any province, or to any place beyond the seas, with an intent or in order to enlist or enter himself to serve, or with intent to serve in any warlike or military operation whatever, whether by land or by sea, in the service of, or for, or under, or in aid of any foreign prince, state, potentate, colony, province, or part of any province or people, or in the service of, or for, or under, or in aid of any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people, either as an officer or a soldier, or in any other military capacity, or as any officer or sailor, or marine, in any such ship or vessel as aforesaid, although no enlisting money, or pay, or reward, shall have been, or shall be in any or either of the cases aforesaid, actually paid to or received by him, or by any person to or for his use or benefit, or, if any person whatever, within the United Kingdom of Great Britain and Ireland, or in any part of His Majesty's dominions elsewhere, or in any country, colony, settlement, island, or place, belonging to or subject to His Majesty, shall hire, retain, engage, or procure, or shall attempt or endeavour to hire, retain, engage, or procure any person or persons whatever to enlist, or to enter or engage to enlist, or to serve or to be employed, in any such service or employment as aforesaid, as an officer, soldier, sailor, or marine, either in land or sea service, for, or under, or in aid of, any foreign prince, state, potentate, colony, province, or part of any province or people, or for, or under, or in aid of any person or persons exercising or assuming to exercise any powers of government as aforesaid, or to go, or to agree to go, or embark from any part of His Majesty's dominions, for the purpose or with the intent to be so enlisted, entered, engaged, or employed as aforesaid, whether any enlisting money, pay, or reward, shall have been, or shall be actually given or received, or not, in any or either of such cases, every person so offending, shall be deemed guilty of a misdemeanor, and upon being convicted thereof, upon any information or indictment, shall be punishable by fine and imprisonment, or either of them, at the discretion of the Court before which such offender shall be convicted."

And it is in and by the said Act further enacted :—

"That if any person within any part of the United Kingdom, or in any part of His Majesty's dominions beyond the seas, shall, without the leave and license of His Majesty for that purpose first had and obtained as aforesaid, equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out or armed, or shall knowingly aid, assist, or attempt or endeavour to equip, furnish, fit out, or arm, or be concerned in the equipping, furnishing, fitting out, or arming of any ship or vessel, with intent or in order that such ship or vessel shall be employed in the service of any foreign prince, state, or potentate, or of any foreign colony, province, or part of any province or people, or of any person or persons exercising or assuming to exercise any powers of government in or over any foreign state, colony, province, or part of any province or

people, as a transport or store ship, or with intent to cruize or commit hostilities against any prince, state, or potentate, or against the subjects or citizens of any prince, state, or potentate, or against the persons exercising or assuming to exercise the powers of government in any colony, province, or part of any province or country, or against the inhabitants of any foreign colony, province, or part of any province or country, with whom His Majesty shall not then be at war; or shall, within the United Kingdom, or any of His Majesty's dominions, or in any settlement, colony, territory, island, or place belonging or subject to His Majesty, issue or deliver any commission for any ship or vessel, to the intent that such ship or vessel shall be employed as aforesaid, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the Court in which such offender shall be convicted; and every such ship or vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores, which may belong to, or be on board of any such ship or vessel, shall be forfeited; and it shall be lawful for any officer of His Majesty's customs or excise, or any officer of His Majesty's navy, who is by law empowered to make seizures, for any forfeiture incurred under any of the laws of customs or excise, or the laws of trade and navigation, to seize such ships and vessels aforesaid, and in such places and in such manner in which the officers of His Majesty's customs or excise, and the officers of His Majesty's navy are empowered respectively to make seizures under the laws of customs and excise, or under the laws of trade and navigation; and that every such ship and vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to, or be on board of such ship or vessel, may be prosecuted and condemned, in like manner and in such Courts as ships or vessels may be prosecuted and condemned, for any breach of the laws made for the protection of the revenues of customs and excise, or of the laws of trade and navigation."

And it is in and by the said Act further enacted:—

"That if any person in any part of the United Kingdom of Great Britain and Ireland, or in any part of His Majesty's dominions beyond the seas, without the leave and license of His Majesty for that purpose first had obtained as aforesaid, shall by adding to the number of the guns to such vessel, or by changing those on board for other guns, or by the addition of any equipment for war, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting the warlike force of any ship or vessel of war or cruiser, or other armed vessel, which at the time of her arrival in any part of the United Kingdom, or any of His Majesty's dominions, was a ship of war, cruiser, or armed vessel in the service of any foreign prince, state, or potentate, or of any person or persons exercising or assuming to exercise any powers of government in or over any colony, province, or part of any province or people belonging to the subjects of any such prince, state, or potentate, or to the inhabitants of any colony, province, or part of any province or country under the control of any person or persons so exercising or assuming to exercise the powers of government, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon being convicted thereof, upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the Court before which such offender shall be convicted."

Now, in order that none of Our subjects may unwarily render themselves liable to the penalties imposed by the said Statute, We do hereby strictly command that no person or person whatsoever do commit any act, matter, or thing whatsoever, contrary to the provisions of the said Statute, upon pain of the several penalties by the said Statute imposed, and of Our high displeasure.

And We do hereby further warn all our loving subjects, and all persons whatsoever entitled to Our protection, that if any of them shall presume, in contempt of this Our Royal Proclamation, and of Our high displeasure, to do any acts in derogation of their duty, as subjects of a neutral Sovereign, in the said contest, or in violation or contravention of the law of nations in that behalf, as for example and more especially by entering into the military service of either of the said contending parties as commissioned or non-commissioned officers or soldier; or by serving as officers, sailors, or marines on board any ship or vessel of war or transport, or in the service of either of the said contending parties, or by serving as officers, sailors, or marines on board any privateer bearing letters of marque or from either of the said contending parties; or by engaging to go or going to any place beyond the seas, with intent to enlist or engage in any such service; or by procuring or attempting to procure within Her Majesty's dominions at home or abroad, others to do so; or by fitting out, arming, or equipping any ship or vessel to be

employed as a ship of war or privateer or transport, by either of the said contending parties; or by breaking, or endeavouring to break, any blockade lawfully and actually established by or on behalf of either of the said contending parties; or by carrying officers, soldiers, despatches, arms, military stores or materials, or any article or articles considered and deemed to be contraband of war, according to the law of modern usage of nations, for the use or service of either of the said contending parties, all persons so offending will incur and be liable to the several penalties and penal consequences by the said Statute, or by the law of nations, in that behalf imposed or denounced.

And We do hereby declare that all Our subjects, and persons entitled to Our protection, who may misconduct themselves in the premises, will do so at their peril, and of their own wrong, and that they will in no wise obtain any protection from Us against any liabilities or penal consequences, but will, on the contrary, incur Our high displeasure by such misconduct.

Given at Our Court at Osborne House, Isle of Wight, this third day of February, in the year of Our Lord one thousand eight hundred and sixty-six, and in the twenty-ninth year of Our reign.

God save the Queen.

No. 141.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, February 20, 1866.

I HAVE received your despatch of the 9th instant, inclosing a copy of a note which you had received from Señor Bermudez de Castro, announcing the intention of the Spanish Government, in consequence of the new character which the conflict between Spain and Chile is alleged to have assumed, to maintain in certain cases the tribunal established by Admiral Pareja, and expressing the hope that, under existing circumstances, Her Majesty's Government will not make this determination the subject of any fresh observations.

It is not easy to understand what is the exact proposition with respect to prizes contained in the letter of the Spanish Minister. Assuming, however, that the proposition is this, that in cases of urgent necessity the Spanish Admiral is to determine whether a neutral ship is to be detained without submitting the question of the lawfulness of his capture to the immediate adjudication of a regular Prize Court, to which adjudication the ship is hereafter to be entitled, the proposition is one which may be considered, in the circumstances, not unreasonable.

Although the argument that the exigencies of the belligerent are such as to render it difficult for him to discharge his obligations towards the neutral is not to be generally admitted, the answer to that argument being that, in such a case, the belligerent must abstain from exercising a right which is dependent on the fulfilment of these obligations, and must refrain from interrupting the commerce of the neutral, I have to instruct you to express to the Spanish Government the sense in which Her Majesty's Government understand this proposition as to prizes, and that in no case can Her Majesty admit that a vessel belonging to one of her subjects shall be condemned, and his property confiscated, without the due sentence of a regular tribunal, and the opportunity of a proper appeal.

In communicating the decision of Her Majesty's Government to the Spanish Minister, you will state to him, at the same time, that Her Majesty's Government cannot but admit, with much satisfaction, that Spain has shown, in many respects, during this war great tenderness towards neutral interests; and you will assure his Excellency that Her Majesty's Government desire to avoid, as much as possible, putting any undue pressure upon Spain in her present circumstances, and that they have much pleasure in acknowledging that, in many respects, she has endeavoured to lighten the severity of belligerent operations to the neutral.

I am, &c.
(Signed) CLARENDON.

*The Earl of Clarendon to the Lords Commissioners of the Admiralty.**

My Lords,

Foreign Office, February 25, 1866.

HER Majesty being fully determined to observe the duties of neutrality during the existing hostilities between Her Catholic Majesty and the Republics of Chile and Peru, and being moreover resolved to prevent, as far as possible, the use of Her Majesty's harbours, ports, and coasts, and the waters within Her Majesty's territorial jurisdiction, in aid of the warlike purposes of either belligerent, has commanded me to communicate to your Lordships, for your guidance, the following rules, which are to be treated and enforced as Her Majesty's orders and directions.

Her Majesty is pleased further to command that these rules shall be put in force in the United Kingdom and in the Channel Islands on and after Friday the 2nd day of March next, and in Her Majesty's territories and possessions beyond the seas six days after the day when the Governor or other Chief authority of each of such territories or possessions respectively shall have notified and published the same, stating in such notification that the said rules are to be obeyed by all persons within the same territories and possessions.

I. During the continuance of the present hostilities between Her Catholic Majesty and the Republics of Chile and Peru, all ships of war and privateers of either belligerent are prohibited from making use of any port or roadstead in the United Kingdom of Great Britain and Ireland, or in the Channel Islands, or in any of Her Majesty's Colonies or foreign possessions or dependencies, or of any waters subject to the territorial jurisdiction of the British Crown, as a station or place of resort for any warlike purpose, or for the purpose of obtaining any facilities of warlike equipment; and no ship of war or privateer of either belligerent shall hereafter be permitted to sail out of or leave any port, roadstead, or waters subject to British jurisdiction, from which any vessel of the other belligerent (whether the same shall be a ship of war, a privateer, or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the territorial jurisdiction of Her Majesty.

II. If any ship of war or privateer of either belligerent shall, after the time when this Order shall be first notified and put in force in the United Kingdom and in the Channel Islands, and in the several Colonies and foreign possessions and dependencies of Her Majesty respectively, enter any port, roadstead, or waters belonging to Her Majesty, either in the United Kingdom or in the Channel Islands, or in any of Her Majesty's colonies or foreign possessions or dependencies, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, roadstead or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew, or repairs; in either of which cases the authorities of the port or of the nearest port (as the case may be) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies, beyond what may be necessary for her immediate use; and no such vessel which may have been allowed to remain within British waters for the purpose of repair shall continue in any such port, roadstead or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed. Provided nevertheless, that in all cases in which there shall be any vessels (whether ships of war, privateers or merchant-ships) of the said belligerent parties in the same port, roadstead or waters, within the territorial jurisdiction of Her Majesty, there shall be an interval of not less than twenty-four hours between the departure therefrom of any such vessel (whether a ship of war, a privateer, or a merchant-ship) of the one belligerent, and the subsequent departure therefrom of any ship of war or privateer of the other belligerent; and the time hereby limited for the departure of such ships of war and privateers respectively shall always, in case of necessity, be extended so far as may be requisite for giving effect to this proviso, but not further or otherwise.

III. No ship of war or privateer of either belligerent shall hereafter be permitted, while in any port, roadstead or waters subject to the territorial jurisdiction of Her Majesty, to take in any supplies, except provisions and such other things as may be requisite for the subsistence of her crew; and except so much coal only as may be sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination; and no coal shall again be supplied to any such ship of war or privateer in the same or any other port, roadstead or waters subject to the territorial jurisdiction of Her Majesty without special

* Similar letters were addressed to the Home, Colonial, War, and India Offices, and to the Treasury.

permission, until after the expiration of three months from the time when such coal may have been last supplied to her within British waters as aforesaid.

I am, &c.
(Signed) E. HAMMOND.

No. 143.

Señor de Castro to the Marquis de Molins.—(Communicated to the Earl of Clarendon by the Marquis de Molins, February 27.)

(Translation.)

Excellency,

Madrid, February 16, 1866.

FROM the contents of the note which I addressed to Her Britannic Majesty's Plenipotentiary at this Court on the 11th December last, copy of which was sent to our Legation in London, your Excellency will have understood the reasons which moved Her Majesty's Government to issue the Declaration published by the Minister of Marine in the "Official Gazette" of the 28th of November last, by virtue of which Chilean privateers which do not come under the conditions expressed therein will be treated as pirates. In reply to this note, Lord Clarendon addressed to Her Britannic Majesty's Plenipotentiary at this Court a despatch dated the 6th of the past month, a copy of which he has left with me by order of his Government. This important diplomatic document has two parts. In the first, Lord Clarendon endeavours to rebut the arguments brought forward by me in my note of the 11th December last in support of the Declaration of Her Majesty's Government, which, as your Excellency will have seen, were founded upon the authority of the modern writers on international maritime law; upon the circumstance that England has, in a Treaty with the United States, agreed to the same principles on which the Declaration of the Spanish Government is based; upon the words used by Lord Clarendon in the Congress of Paris to define privateering; and, lastly, upon the jurisprudence established by France in the year 1839, relative to the conditions which the privateers of the Mexican Republic should come under, in order to be treated as legitimate enemies.

In the second part, Lord Clarendon, after having declared, erroneously in my opinion, that the character of a privateer is determined solely by her commission, refuses to the Spanish Government the right to treat as pirates in any case, such subjects of neutral Powers as it may find serving, without authorization of their respective Governments, on board of Chilean privateers, and does not admit as competent in this case any other criminal jurisdiction than that of the nation to which the said subjects appertain. As the Government of Her Majesty cannot but consider this principle to be an infringement ("atentatorio") of its rights of sovereignty, your Excellency will not be surprised that, seeing the serious nature which, in my opinion, belongs to the declarations made by Lord Clarendon in this part of his despatch, I take the liberty of transposing the order of the discussion, and that I hasten to prove that those declarations do not in anywise agree with the fundamental principles of natural right and of the law of nations.

Lord Clarendon cannot fail to admit that jurisdiction is essentially derived from sovereignty, and that the latter is not only based upon the relations of dependence of those over whom it is exercised, but also, and very principally, on the independence of the party who exercises it. If this were not the case, it is clear foreign subjects could not in any case be under the jurisdiction of any other Sovereign but their own, which is opposed to the doctrine of all authors and to the practice of all nations. Her Majesty's Government cannot admit any further limitations to its sovereignty as a belligerent Power than those sanctioned by the law of nations, but in nowise by the civil or municipal laws of another country. It will, by obligation, treat Chilean subjects as prisoners of war; and by toleration, it will treat in the same way the subjects of neutral Powers who, without the authorization of their Governments and in violation of neutrality, take part in the war as purely military agents; that is to say, those who may be reasonably included under the Latin word *militēs*. The law of nations does not extend this toleration to those who are not satisfied with violating neutrality, but who give a character to that violation, the result of which is to afford to one of the belligerents not only the warlike assistance of their persons, but also other such important aid as a ship, armed, commanded, and manned. And if those who commit this enormous violation of neutrality make it their chief, if not sole object to commit those violent acts which the laws of all countries designate as piratical when they are done illegitimately, they may and ought to be punished as pirates; privateering is not a legitimate means of making war, except for the subjects of belligerent Sovereigns, who are excused by the natural law of self-preservation and self-defence. It is not enough, as Lord Clarendon pretends, that a privateer carry the

commission of the Sovereign under whose flag he sails ; it is necessary that such commission be legitimate, that is to say, issued by the Sovereign of him who receives it, because otherwise one individual might be, at the same time, a subject of two Powers, which is repugnant to reason and to public law. Can the circumstance that the author of those acts is the subject of a neutral Power, and that in committing them he has made himself responsible to the civil or municipal laws of his own country, deprive the belligerent Power, to whose injury he is unlawfully acting, of the right to punish him when he is under its dominion, and in accordance with the laws which it has promulgated in a matter in which it has, by the law of nations, a full independent power to legislate ? Bynkershoek, who is quoted by Lord Clarendon in his despatch, says decisively in Chapter 1, Book 17 of his work entitled "*Cuestiones de Derecho Publico*," that he who commits depredations to our injury, *quamquam exterus*, should be tried and punished by us, and he adds, "*Et nemo contradixerit si sine codicillis Principis sui in nostros rapinam egerit.*"

Her Majesty's Government, then, was in the right in making the declarations inserted in the "Gazette" of the 28th November ; and it will be so in applying them to the subjects of neutral Powers whom it may come at ; and, in so doing, it is not bound to take into account the laws of other countries. Although England might declare those English subjects to be pirates who should form part of the crew of a foreign privateer, if such privateer were an enemy to Spain, and were captured, it is clear that Spain would not consider as pirates the English subjects she might find on board, if the captain and the majority of the crew were subjects of the Power which issued the commission.

That part of the despatch of Lord Clarendon being satisfactorily answered, in my opinion, in which he denies to Spain the judicial authority to treat the English subjects as pirates whom she might find on board of Chilean privateers which do not come under the conditions required by the Declaration published by Her Majesty's Government, it will not be difficult for me to rebut the reasons alleged by Lord Clarendon to prove that Spain does not exercise that authority according to the maxims of the law of nations.

Lord Clarendon rejects the authority of the writers whom I have quoted, but I have taken especial care to quote those who ought reasonably to be supposed to be the most competent on the subject. They are all modern writers, and consequently they have been able to include in their works the most advanced facts known to this day in the science of international law, and the greater number of them have addicted themselves exclusively to the study and explanation of maritime law. Moreover, I did not confine myself to citing them as authorities ; I also copied, textually, the reasons upon which they founded their opinions, the force of which it is impossible to ignore.

In opposition to the doctrine supported by these authors, reference is made to the expositions made in the writings of Bynkershoek, Abreu, Pando, Riquelme, and others not named. But in those very authors, the same principles are found written on which the Declaration of Her Majesty's Government is based. Bynkershoek, in the book and chapter of his work which we have mentioned above, asserts that every one ought to be looked upon as a pirate who makes a capture at the command of a Prince not his own "*Principis externi.*" In regard to the doctrine of Abreu, I am unable to understand how he can be appealed to in opposition to the resolution come to by Her Majesty's Government. Although this author does not occupy himself with the question in a special way, various passages may be quoted from his celebrated Treatise upon maritime captures, in which he maintains the same doctrines upon this point as do the modern authors on international maritime law. In the first chapter, on defining what a capture is, he says it must be made by subjects of a belligerent Sovereign ; and further on, that ships armed for war, and intended for privateering purposes, having no lawful commission, are to be reputed as real pirates ; that the lawful commission must be issued by the Sovereign whose subject the commander of the privateer is ; and that it is not permitted to exercise privateering except to those who are really enemies ; and he qualifies those as pirates who are not in this category. It is not a matter of surprise that such is the doctrine of Abreu, because his work is conceived in the spirit of Spanish legislation, and this has been always very severe with those Spanish subjects who sail about privateering under the commission of a foreign Sovereign.

On this point the doctrine of Pando does not differ from that of Abreu ; and in paragraph 173, section 5 of rule 3 of his "*Elements of International law*," he calls those foreigners, filibusters, who commanded and manned the vessels armed as privateers by the Spanish American Republics, and declares that no other character can be given to them. As to Señor Riquelme, it is true that he considers it to be too severe to award the punishment of a pirate to the neutral, who should take a privateer's commission from one of the belligerents, and that he compares this offence to that of carrying contraband of war. But even setting aside the fact that it is impossible to

admit an opinion to be just which compares the person who conveys warlike stores with him who uses those stores for committing acts of direct and personal hostility, Riquelme himself confesses that the question is settled and solved in the opposite sense. And further on he explicitly acknowledges, in the 4th rule of those which he enumerates as adopted by the law of nations in matters of privateering, that every privateer should possess the conditions of nationality, and that the most important of these is summed up in the fact that the majority of the crew should be composed of the subjects of the Government which has issued the commission. So that according to this author, the privateer which is without this essential condition has no nationality, that is to say, it is to be considered as if it had no commission from a Sovereign, and consequently may, without injustice, be treated as a pirate. Lord Clarendon considers the citation of of the Treaty of 1794 between England and the United States as evidence the other way, and so in fact it would be, if every principle of the law of nations were to be looked upon as doubtful which was not inserted in some international Treaty; but even admitting this hypothesis, so contrary to reason, it is clear that a Power which puts this principle into its international laws admits it to be just, and that if the other Powers had made propositions to treat upon this basis with England, she would not have been able to refuse to accept them on the score of the injustice of what was proposed to her. The object of England and the United States in signing that Treaty does not destroy what I sought in citing it, which was solely to manifest my surprise that England was desirous of giving such latitude to a practice which as early as 1794 she considered so odious that she was not satisfied with regulating it, but completely abolished it in an international Treaty.

With the same object I quoted the words spoken by Lord Clarendon in the Conference of Paris to designate privateering, which words could not, in his opinion, be appealed to by Spain, because she did not accede to the Declaration of the Congress. This argument would have great force if Spain pretended to refuse to Chilean subjects duly commissioned the right of privateering against her; but she only pretends to this, that no further extension be given to that right than what is allowed by the law of nations. In order to attain this, it is natural that I should invoke the authority of those who have characterized privateering as the scourge of humanity. And I can do this with greater reason, inasmuch as the object proposed by the Powers which signed the Treaty of Paris was not to suppress the attacks of public force against private property, seeing that they retained for ships of war the right of capturing the trading vessels of enemies, but to regulate them and render them less odious; and it is not easy to reconcile this object with the permission to make lawful use of this scourge of humanity, granted to adventurers, who have no other object than to make a speculation of a public calamity which afflicts two or more countries friendly to their own.

Without denying the importance of the protest made by the Government of Her Britannic Majesty against the declaration of Admiral Baudin in 1839, relative to Mexican privateers, it cannot be admitted, on good grounds, that the attitude of the English Government on that occasion should put an end to the jurisdiction established by the French Admiral, because neither did the latter modify his declaration, nor, what is more decisive, did any other maritime Power join in the protest of England.

Your Excellency will read this despatch to Lord Clarendon, and give him a copy if he desires it.

God preserve, &c.

(Signed)

M. BERMUDEZ DE CASTRO.

No. 144.

*The Earl of Clarendon to Mr. Thomson.**

Sir,

Foreign Office, March 1, 1866.

I INCLOSE herewith, for your information, a copy of a letter which I have addressed to the different Departments of Her Majesty's Government,† relative to the neutrality to be observed by Her Majesty's Government in the war now existing between the Government of Spain and the Republics of Chile and Peru.

I am, &c.

(Signed)

CLARENDON.

* A similar despatch was addressed to Mr. Barton

† No. 142.

Mr. Barton to the Earl of Clarendon.—(Received March 2.)

My Lord,

Lima, January 24, 1866.

I HAVE the honour to transmit herewith to your Lordship translation of a note received from the Peruvian Secretary of Foreign Affairs, dated the 17th instant, with copy of my reply thereto.

This note is accompanied by the Treaty of Alliance, offensive and defensive, celebrated between Chile and Peru; a Decree by which this Republic is declared in a state of war with the Spanish Government; and further, the exposition of the motives which have induced Peru to declare war against the Spanish Government.

I also transmit herewith translations of the Treaty and the Declaration of War, as also copy of the Manifest of the motives, which is much too voluminous to translate.

The principal of the motives which have caused the war are—

1. That it was humiliating to Peru for Spain to insist on the reception of Señor Albistur as "Special Commissary."

2. That by the Treaty entered into with Spain by the Government of General Pezet, not only Peru, but all the American Republics, were wounded in their honour, dignity, and rights; added to which, the said Treaty was never ratified by Congress, which was absolutely necessary according to the 16th Attribution of the 59th Article of the Constitution.

And lastly, that it was impossible to accede to the excessive exigencies of Spain, alluded to in the first paragraph in page 12 of the inclosed Manifest, which is as follows:—

"In regard to the exigencies of Spain these are the chief points—

"1st. The peremptory insertion in the Treaty of a clause in which the actual Queen of Spain, in virtue of the faculty conceded to her by the Tribunals, renounces the sovereignty, rights, and actions that belong to her over the ancient Viceroyalty, at present the Republic of Peru.

"2nd. Election of the Treaty celebrated between Spain and Bolivia as a type of that which should be entered into with Peru.

"3rd. Obligation on the part of Peru to pay all that was due from the ancient Viceroyalty of Perú, burdening the Tribunal of the 'Consulado,' the Treasury Central, the Tobacco Monopoly, the Mint, and the Deposits of Consolidation, as likewise all the credits against the State for pensions, salaries, &c., up to the date in which the Spaniards evacuated Peru in 1824, and that this debt should be subject to interests and privileges which any other debt of Peru, at present or at any future time, may enjoy; added to which, that no special term is fixed upon on account of these claims."

I have, &c.

(Signed) JOHN BARTON.

Inclosure 1 in No. 145.

Señor Pacheco to Mr. Barton.

(Translation.)

Lima, January 17, 1866.

THE Undersigned, Secretary of Foreign Affairs for Peru, has the honour to remit to the Honourable Chargé d'Affaires of Her Britannic Majesty the "Peruano" (extraordinary), containing the Treaty of Alliance, offensive and defensive, celebrated between Peru and Chile; the Decree by which the Republic is declared in a state of war with the Spanish Government; and, further, the exposition of the motives which the Government has had to make that declaration.

The Undersigned does not doubt that the Government of the Honourable Mr. Barton will do justice to the moderation with which Peru has proceeded, placed in the imperious necessity of assuming a situation which she did not create, but which she frankly accepts in all its consequences.

His Excellency the Supreme Chief appreciates in its highest degree the opinion of friendly Governments; and he is convinced that they will not see in the war which the Government of Spain has sought in America aught than the unjust exigencies of that Government, and the firm intention of the latter to defend with her independence, her dignity, and her interests, the principles of international rights which the Spanish Government has thrown into oblivion, and which, as they are one of the most precious conquests of modern civilization, are the patrimony of all Governments and all nations.

The Government of Peru will take special care, as it also cherishes the sincere hope, that the state of her relations with Spain will not affect in the least the harmony which happily exists between Peru and the United Kingdom of Great Britain.

The Undersigned, &c.

(Signed)

T. PACHECO.

Inclosure 2 in No. 145.

Treaty of Alliance, Offensive and Defensive, between Peru and Chile.

[See Inclosure in No. 149.]

Inclosure 3 in No. 145.

Mr. Barton to Señor Pacheco.

Lima, January 20, 1866.

THE Undersigned, Her Majesty's Chargé d'Affaires and Consul-General to Peru, has the honour to acknowledge the receipt of the note of his Excellency the Peruvian Secretary of State for Foreign Affairs, dated the 17th instant, transmitting the Gazette "Peruano," containing copy of the Treaty between Peru and Chile; the Decree declaring that the Republic of Peru is at war with the Government of Spain; and the Manifest of the motives which have induced the Peruvian Government to make this declaration.

The Undersigned will transmit these documents to his Government by the first opportunity, and will advise Her Majesty's Principal Secretary of State for Foreign Affairs of the appreciation in which his Excellency the Supreme Chief holds the opinion of friendly Governments, and the conviction that they will see the justice of the present war.

The Undersigned participates in the sincere hope that the present state of affairs in regard to Spain will not affect the harmony which at present exists between the Government of Her Majesty and that of Peru; and avails, &c.

(Signed)

JOHN BARTON.

No. 146.

Mr. Barton to the Earl of Clarendon.—(Received March 2.)

My Lord,

Lima, January 27, 1866.

A SHORT time after the publication of the declaration of war against the Spanish Government, a proclamation was issued by the Prefect of the Department ordering all the Spaniards resident in the country to present themselves to the different Prefects within a certain number of days, and that they were not allowed to leave the country.

As this appeared to me contrary to the present custom of civilized nations, and in direct opposition to Treaties existing between Peru, Great Britain and France, I took an opportunity of personally representing to the Peruvian Secretary of State for Foreign Affairs that I considered, as his Excellency in his note to the foreign Representatives particularly expressed that "his Excellency the Supreme Chief appreciates in its highest degree the opinion of friendly Governments," this Edict would very materially injure the Peruvian Government in the opinion of foreign nations.

M. Vion, the French Acting Chargé d'Affaires, has also remonstrated, privately and confidentially, against this act, he being especially requested to take charge of the Spaniards in Peru when Señor Albistur, the Spanish Representative, retired.

The Peruvian Secretary of State informed me that the Edict was only provisional, and that the Government was considering what future steps it should take regarding these unfortunate people.

Several of the Spaniards have presented themselves, but I am not aware that any severe measures have been pursued against them up to the present time.

I have, &c.

(Signed)

JOHN BARTON.

Mr. Thomson to the Earl of Clarendon.—(Received March 2.)

(Extract.)

Santiago, January 16, 1866.

I HAVE the honour to report that in carrying out the instructions contained in your Lordship's despatch of the 30th of November last, I had a conversation yesterday morning with M. Flory, my French colleague, who informed me that he had received the instructions of his Government to "seconder" such steps as I might take with the view of inducing the Chilean Government and the Spanish Commander-in-chief to at once suspend hostilities. I said that I had been instructed by your Lordship to act in this matter in strict concert with him, and it having been suggested by him that I should first see Señor Errazuriz, the Minister of Justice, who is in temporary charge of the Foreign Department in consequence of the illness of Señor Covarrubias, I yesterday afternoon obtained an interview with his Excellency.

The conversation having been opened, Señor Errazuriz began by saying that a suspension of hostilities at the present moment would be exceedingly disadvantageous to Chile and of benefit to Spain, for at the present moment, not only had the Spanish Commander-in-chief been obliged to reduce the blockade to two ports, Valparaiso and Caldera, but in a few days he would find, not only the ports of Chile closed to him for supplies and provisions, but those of Peru likewise. That, on the other hand, Chile would shortly be in a position to take the offensive against the Spanish squadron, and that he firmly believed before long no Spanish ship would be found in the Pacific. I remarked that in war, the question of victory was always viewed differently by the belligerent parties, but that of this there could be no doubt on either side, that victorious or defeated, both would be sufferers, and that he must admit that, even if it were to happen, as he had prognosticated, that the present Spanish squadron were cleared from the Pacific, the war would not end there—it might only be beginning, and if so, it was easy to foresee what the position of Chile would be when it terminated, even if Spain were not the victor.

I then explained to Señor Errazuriz the steps which were being taken by the Governments of England and France to induce the Spanish Government, in accepting the good offices of the two Governments, to authorize the suspension of hostilities by its squadron, and pressed him to empower me to inform your Lordship that Chile accepted the mediation of England and France, and would agree to an immediate suspension of hostilities, if also agreed to by the Spanish Commander-in-chief.

He replied that his Government was fully sensible of the friendly feelings of England in endeavouring to bring to a pacific termination the present difficulties with Spain, and on the part of his Government he begged to offer to Her Majesty its grateful thanks for the interest it had displayed in this question; but that unfortunately recent events had complicated the question at issue with Spain, and that the engagement into which Chile had recently entered with Peru now rendered it impossible to come to any arrangement in which Spain was concerned without first coming to an understanding with the Government of that Republic. He added that the Treaty they had concluded with Peru was an offensive and defensive alliance to last during the period of the war with Spain; that the mail-steamer which left Valparaiso on the 2nd instant carried the ratification of the Treaty, and that as the period of forty days fixed for its exchange would expire on the 15th instant, the exchange had no doubt already taken place, and war been declared by Peru against Spain. Your Lordship will have been prepared for this language by my despatches of the 1st instant. He further said that if it had not been for this Treaty, Chile would have at once most thankfully and gratefully accepted the mediation of England and France, feeling assured that those Governments would only propose the re-establishment of peace on terms which could be accepted with honour by Chile.

I communicated to M. Flory before he had his interview what had passed between the Minister and me, and when his was concluded, he called on me to say that with him the Minister had held exactly the same language as he had used with me, but that the Finance Minister having come in during the conversation, they had then said that a suspension of hostilities could in no case be adopted by Chile, either with or without Peru, unless the terms on which peace was to be concluded were previously made known.

We then agreed to make to-day a visit together to the Minister, to learn the real opinions of his Government. At this interview Señor Errazuriz, after stating that that which the Minister for Finance had yesterday said was his private opinion, empowered us to communicate to our respective Governments the following as the determination of his Government:—
"That the Chilean Government is extremely grateful to the Governments of England and France for the offer of their good offices in bringing about a friendly arrangement of its

differences with Spain. But that having recently concluded a Treaty of offensive and defensive alliance with Peru, it could not, without first coming to an understanding with its new ally, agree to a suspension of hostilities. That he would write by this courier to the Peruvian Government to consult it on this head, and if, as he hoped would be the case, it gave its adhesion, he would immediately enter into an arrangement with the commander of the naval forces of Her Catholic Majesty for the conclusion of an armistice. That he would at once address to the Minister Plenipotentiary of Chile in London and in Paris the necessary instructions to treat for peace under the auspices of England and France, and that he would also invite the Cabinet of Peru to send identic instructions to their Representatives at the two European Courts."

The above is as nearly as possible a literal translation of what Señor Errazuriz said.

I then proposed to M. Flory that we should acquaint the Spanish Commander-in-chief with the steps we have taken here, so as to avoid any unnecessary complication arising until the opinion of Peru has been obtained, and as this communication could not be fully made to the Spanish commander without allusion to the Chilean-Peruvian Treaty, which has not yet been made public, we propose asking the authorization of the Chilean Government to our doing so, and, failing in this, to confine ourselves simply to the announcement of the orders we had received from our Governments with regard to a suspension of hostilities, and press him to agree to it, on our signifying to him our having obtained the consent of the Chilean Government to that measure.

I regret, however, to see it announced by telegram that the "Villa de Madrid," the Commander-in-chief's flag-ship, sailed from Valparaiso yesterday in a northerly direction.

No. 148.

The Secretary to the Admiralty to Mr. Hammond.—(Received March 3.)

Sir,

Admiralty, March 2, 1866.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Clarendon, extracts from a letter from Rear-Admiral Harvey, dated at Valparaiso the 17th January, reporting proceedings and containing intelligence respecting the state of affairs in Chile and Peru.

I am, &c.

(Signed) W. G. ROMAINE.

Inclosure in No. 148.

Commodore Harvey to the Secretary to the Admiralty

(Extract.)

"Leander," at Valparaiso, January 17, 1866.

IN continuation of my letter of the 2nd instant, I have the honour to report, for the information of my Lords Commissioners of the Admiralty, that Her Most Catholic Majesty's ship "Resolucion" arrived on the 3rd from the Island of Juan Fernandez. On the same day the British screw-ship "Zeta," sixty days from Liverpool, was warned off.

Her Most Catholic Majesty's ship "Villa de Madrid" left under steam on the 15th, and returned the following morning; in the evening the "Numancia," "Berenguela," "Marques de la Victoria" (transport), and the "Matias Cousiño" arrived from Caldera; so that Valparaiso is the only port now blockaded.

The Peruvian ships of war "Apurimac," "Amazonas," "Union," and "America," are with the Chilean squadron in the south.

I have not heard from the Spanish Commander-in-chief of any intended movement, though it appears strange, with such a force under his command, that the Chilean vessels of war should cruize unmolested.

The Italian frigate "Prince Humbert" will leave for Monte Video on the 20th instant.

His Imperial Majesty's sailing transport "Euryale," that left this on the 29th November last, was in Callao Bay under San Lorenzo Island, in quarantine, her crew suffering from small-pox.

The Chilean Envoy Extraordinary was received in great state in Lima, and the Treaty between Peru and Chile, offensive and defensive, it was supposed would be signed in a day or two.

Her Majesty's ship "Shearwater" is at Callao.

Her Majesty's steam-sloop "Columbine," the Italian frigate "Prince Humbert," United States' gun-boats "Mohongo" and "Nyack," and the Spanish squadron, remain at this port.

Señor Pacheco to the Earl of Clarendon.—(Received March 5.)

(Translation.)

Lima, January 20, 1866.

THE Undersigned, Secretary for Foreign Affairs of Peru, has the honour to transmit to his Excellency the Minister for Foreign Affairs of Her Britannic Majesty the "Peruano," the official paper of the Republic, which contains the Treaty of offensive and defensive alliance concluded between Peru and Chile, and the Decree declaring the Republic in a state of war with the Spanish Government. He also forwards to his Excellency the Manifesto of the motives which have induced the Government of the Undersigned to make that declaration.

His Excellency the Supreme Chief has the greatest interest in convincing friendly Governments, that Peru, moderate, but dignified in her international conduct, in assuming a warlike attitude, does no more than frankly accept a state of things which has been produced exclusively by the constantly augmenting pretensions of the Spanish Government.

The unjustifiable occupation of the Chincha Islands, disapproved by all the Governments of the world, was disapproved also by the Spanish Government itself, inasmuch as it declared that it had not given instructions to that effect; but falling into a palpable inconsistency, it maintained the occupation as a means of carrying forward pretensions which became every day more exaggerated. Under the pretext that the suggestion was made by its agents in restoring the islands—a statement never brought forward by the Spanish Government, and which is disproved by the facts, by documents which have been published, and by the words of those very agents—an indemnification of 3,000,000 dollars was wrested from Peru. Subsequently it attempted to impose by force upon Peru, a Treaty by which it is pretended that the Republic should pay all the costs of the war which the Spanish Government made against her, and all the obligations which the Government of the Peninsula had established in the ancient Vice-royalty for her own profit. The mode and the conditions with which the payment of those supposed obligations was to be effected would create a debt which the far-famed riches of Peru would not be able to pay off, and would serve only to maintain Spain in the career of despotism which she pretends always to exercise over South America. She has declared the principle of revindication to be existing, she has announced the pretension that Peru should pay the costs incurred by Her Catholic Majesty's squadron in combating America, and she has several times manifested her intention to intervene in the internal questions which have recently agitated Peru. Finally, with pretexts which Europe and America have rejected with indignation, the ports of Chile have been blockaded in violation of the best known forms of international law.

It is true that the Spanish Government is always making protestations of moderation and disinterestedness which are belied by facts. At the bottom of that violent, inordinate, and contradictory diplomacy there is nothing seen clearly but the old colonial tendencies of Spain and her firm idea of humiliating the free countries which were once her colonies, and this object she pretends to accomplish, if not with the exhausted treasury of Her Catholic Majesty, with the produce of the guano islands, the property of Peru.

It is necessary, then, to put an end to those intentions of Spain, and to effect this there is no other means but war. It is the only means that the Spanish Government has left to us. It is requisite that the difficult but successful march of the American Republics and their commercial relations with other civilized States should not be at every moment interrupted by the violent and capricious aggressions of the Spanish Government. When the latter is convinced by facts that America knows how to defend her rights, and that peace cannot be solid and durable but when it is free and honourable, when by its conduct it has convinced America that it has no pretension to wound her dignity and her interests, peace will come naturally, and then, only then, it will produce its true results.

The Peruvian Government dwells upon this view of the matter, because it is actuated by the wish of convincing friendly Governments that she has justice on her side. She will take the utmost care to maintain with them always the good relations which happily unite them, and she hopes at the same time that the state of war with Spain in which she finds herself will not in the smallest degree affect the good friendship which happily exists between Peru and Great Britain.

Actuated by these feelings, the Undersigned, &c.

(Signed)

T. PACHECO.

Inclosure in No. 149.

From extra sheet of the "Peruano" of January 14, 1866.

(Translation.)

Department of Foreign Affairs.

MARIANO IGNACIO PRADO, provisionally Supreme Chief of the Republic.

Decree :

Sole Article. The Treaty of Alliance, offensive and defensive, concluded in this city on the 5th December, 1865, by the respective Plenipotentiaries of the Republics of Peru and Chile, is approved, and consequently the exchange of ratifications is to be effected.

The Secretary of State in the Department of Foreign Affairs is charged with the execution of this Decree.

Dated at the Government-house in Lima, 12th January, 1866.

(Signed)

MARIANO I. PRADO.
T. PACHECO.

Treaty of Alliance, Offensive and Defensive, between Peru and Chile.

Mariano Ignacio Prado, provisionally Supreme Chief of the Republic.

Whereas, the following Treaty of Alliance, offensive and defensive, was concluded between the Republics of Peru and Chile in this capital on the 5th day of December, 1865, by the respective Plenipotentiaries.

In the name of God Almighty :

The Republics of Peru and Chile, in view of the danger which threatens America, and of the violent aggression and unjust pretensions with which the Spanish Government has commenced by menacing the dignity and sovereignty of the two countries, have agreed to conclude a Convention of offensive and defensive alliance, for which purpose they have nominated as Plenipotentiaries, *ad hoc*, Don Toribio Pacheco, Secretary for Foreign Affairs, on the part of Peru, and Señor Don Domingo Santa Maria on the part of Chile, who having found their respective powers satisfactory, have proceeded to draw up the present preliminary Treaty :—

ARTICLE I.

The Republics of Peru and Chile stipulate the closest offensive and defensive alliance between them for the purpose of repelling the present aggression of the Spanish Government, as also any other aggression of that Government, the object of which may be to menace the independence, the sovereignty, or the democratic institutions of the two Republics, or of any other Republic of the Continent of South America, or which may originate in unjust claims, characterised as such by both nations, not made in accordance with the precepts of the law of nations, nor considered in the way determined by that law.

ARTICLE II.

For the present, and by this Treaty, the Republics of Peru and Chile bind themselves to unite the naval forces which they have, or may hereafter have, disposable, for the purpose of combating with them the Spanish naval forces which they meet, or may meet, in the waters of the Pacific, whether blockading, as at present is the case, the ports of one of the Republics before mentioned or of both of them as it may happen, or else making war in any other way against Peru or Chile.

ARTICLE III.

The naval forces of the two Republics, whether they act in combination or separately, shall, so long as the present war provoked by the Spanish Government shall last, obey the Government of that Republic in whose waters the said naval forces shall be.

The officer of the highest rank, or in case there should be many of the same rank the senior of them, who shall be in command of either of the combined squadrons, shall take the command of them ; provided always that the said squadrons are acting in combination.

Nevertheless the Governments of both the Republics may, by mutual agreement, confer the command of the squadrons, when they act in combination, on the officer, native or foreigner, whom they consider most competent.

ARTICLE IV.

That one of the Contracting Republics in whose waters the combined naval forces may be, in consequence of the present war with the Spanish Government, shall pay the expenses of all kinds required for the maintenance of the squadron, or of one or more of the ships thereof; but at the close of the war both Republics shall name two Commissioners, one for each party, who shall make a definitive liquidation of the expenses incurred and duly proved, and shall charge to each of them the half of the total amount of those expenses.

In the liquidation, those partial expenses shall be taken into account which each one of the Republics may have incurred in the maintenance of the squadron, or of one or more of the ships thereof, in order that they may be set off.

ARTICLE V.

Both Contracting Parties bind themselves to invite the other American nations to give their adhesion to the present Treaty.

ARTICLE VI.

The present Treaty shall be ratified by the Governments of both Republics, and the ratifications shall be exchanged in Lima in the space of forty days, or sooner if possible.

In testimony whereof the Plenipotentiaries of both Republics sign and seal the present Treaty.

Dated in Lima, the 5th day of December, 1865.

(Signed) T. PACHECO.
(L.S.)

(Signed) DOMINGO SANTA MARIA.
(L.S.)

Wherefore the present Treaty having been approved by a Decree of this date, I do ratify the same, holding it as a law of the State, and binding the national honour to the observance thereof.

In testimony whereof, I sign the present ratifications, sealed with the arms of the Republic, and countersigned by the Secretary of State for Foreign Affairs, in Lima, the 12th January, 1866.

(Signed)

MARIANO I. PRADO.

T. PACHECO, *Secretary for Foreign Affairs.*

Act of Exchange of Ratifications of the Treaty of Offensive and Defensive Alliance between Peru and Chile.

The Undersigned, Toribio Pacheco, Secretary for Foreign Affairs of the Republic of Peru, and Domingo Santa Maria, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Chile, united in the office of the Secretary for Foreign Affairs in Lima, for the purpose of exchanging the ratifications of the Treaty of Offensive and Defensive Alliance, concluded in Lima on the 5th day of December, 1865, having communicated to each other their respective full powers, and found the same to be in good and due form, carefully compared the two texts of the above-mentioned Treaty, and having found them exact, and in conformity with each other and with the original, effected the said exchange.

In testimony whereof the Undersigned have signed the present Act of Exchange, and sealed the same with their respective seals, on the 14th of January, 1866.

(Signed) T. PACHECO.
(L.S.)

(Signed) DOMINGO SANTA MARIA.
(L.S.)

Mariano Ignacio Prado, Provisional Supreme Chief of the Republic,

Considering :

That independently of the special reasons which Peru has to demand of the Spanish Government reparation for the grave injuries done to her, she has considered it her duty to treat as her own the question which that Government has raised with Chile, and that, therefore, there has been signed, approved, and ratified a Treaty of Alliance, Offensive and Defensive, between the two Republics, for the purpose of mutual preservation, and the preservation of America from the unjust and violent aggressions of Spain ;

I decree :

Article 1. The Republic is declared to be at war with the Government of Spain.

Art. 2. The Secretary for Foreign Affairs will take care to communicate this declaration to all friendly nations, with the proper representations of the causes which have led to it.

The Secretaries of State, each for his own Department, are charged with the execution of this Decree, and with the publication of it in due form.

Given at the Government House in Lima, the 14th of January, 1866.

(Signed)	JOSE GALVEZ, <i>Secretary of War and Marine.</i>
	T. PACHECO, <i>Secretary for Foreign Affairs.</i>
	J. M. QUIMPER, <i>Secretary for Home Affairs (Gobierno).</i>
	J. SIMEON TEJEDA, <i>Secretary of Justice.</i>
	M. PARDO, <i>Secretary of the Treasury and of Commerce.</i>

Mr. Secretary, *Legation of Chile, Lima, January 13, 1866.*

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Chile, has the honour to address his Excellency Señor Don Toribio Pacheco, Secretary of State for Foreign Affairs, and to acquaint him that by the southern steamer, which anchored at Callao on the 10th of the present month, the Undersigned has received the Treaty of Alliance, Defensive and Offensive, between Peru and Chile, concluded and signed by your Excellency and the Undersigned on the 5th of December last year.

There only remains now, after a like formality on the part of the Peruvian Government, that your Excellency should inform the Undersigned on what day the exchange may take place before the expiration of the period assigned in the Treaty. The Undersigned transmits herewith to your Excellency an authentic copy of the full powers which have been conferred on him.

The Undersigned thinks that it will be gratifying to the Peruvian Government to know that the Congress of Chile has approved the Treaty of Alliance unanimously and without discussion, a proof, as it may be said, of their acceptance of the union between the two Republics, as a pledge of security for the independence of South America, and for the continuance of the democratic institutions which govern it.

The Undersigned, &c. (Signed) DOMINGO SANTA MARIA.
His Excellency the Secretary for the
Foreign Affairs of Peru.

Lima, January 13, 1866.

THE Undersigned has read with feelings of pleasure the valuable communication which the most excellent Señor Don Domingo Santa Maria, Envoy Extraordinary and Minister Plenipotentiary of Chile, has done him the honour to address to him under this day's date, informing him that by the southern steamer which anchored at Callao on the 10th instant, the most excellent Señor Santa Maria had received the Treaty of Alliance, offensive and defensive, concluded on the 5th of December last, ratified according to the formalities prescribed by the constitution of the Republic.

It has been extremely satisfactory to the Supreme Chief, and to his Cabinet, to learn from the esteemed despatch of the most excellent Señor Santa Maria, the confirmation of the information which the Government had already received in regard to the manner, so eminently American, so fraternal, and so flattering to Peru, in which the Congress of Chile has approved the Treaty.

This being approved and ratified by his Excellency the Supreme Chief, the Undersigned will have the pleasure of receiving the most excellent Señor Santa Maria to-morrow, Sunday the 14th, at 1 o'clock, in order to exchange the ratifications, and thus to put the seal to an alliance which must be fruitful in happy results, not only for Peru and Chile, but also for the whole of America.

The Undersigned, &c. (Signed) T. PACHECO.
The Most Excellent Señor Don Domingo Santa Maria,
Envoy Extraordinary and Minister Plenipotentiary of Chile.

Lord A. Loftus to the Earl of Clarendon.—(Received March 5.)

My Lord,

Berlin, March 3, 1866.

I INQUIRED yesterday of Count de Bismarck what instructions he had sent to the Prussian Representatives in Spain and Chile on the subject of the differences between those States.

His Excellency replied that he entirely agreed and approved of all that your Lordship had proposed in the way of mediation. He said that he had instructed the Prussian Minister at Madrid to bring under the notice of the Spanish Government the serious evils which would be inflicted on Spanish commerce and on commerce in general by privateers in the cause of Chile, and to urge them to adopt a conciliatory and pacific course.

To the Prussian Representative at Santiago he had sent instructions to co-operate with his English colleague in every way tending to a pacific arrangement, taking care to avoid any acts which might compromise the relations between the two Governments.

His Excellency also stated that a similar instruction had been sent to the naval officer commanding a Prussian ship of war in the Chilean waters.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

No. 151.

The Earl of Clarendon to Mr. Barton.

Sir,

Foreign Office, March 8, 1866.

I HAVE received your despatch of the 27th of January, reporting that a proclamation had been issued by the Peruvian authorities ordering all Spanish subjects to present themselves before Peruvian Prefects, and prohibiting them from leaving the country.

I approve the course you adopted of representing to the Peruvian Minister the impolicy of that measure, which, as you justly observed to his Excellency, was calculated to injure his Government in the opinion of foreign nations.

I am, &c.

(Signed) CLARENDON.

No. 152.

Sir J. Crampton to the Earl of Clarendon.—(Received March 5.)

My Lord,

Madrid, February 27, 1866.

IN obedience to the instructions contained in your Lordship's despatch of the 20th instant, I have acquainted Señor Bermudez de Castro with the views of Her Majesty's Government respecting the intention of the Spanish Government to maintain under certain circumstances the Tribunal established by Admiral Pareja as a Prize Court in cases of captures of neutral vessels by the Spanish blockading squadron in the Pacific.

Señor Bermudez de Castro, after listening attentively to the explanation which I made to him on this subject, observed that there did not seem to be substantially any great difference between the views of the two Governments as to the rights of neutrals to a fair and legal trial before a properly constituted Tribunal before their property could be definitively adjudged as a prize to a belligerent captor.

His Excellency said he would compare the proceedings of such a Court as that which, under certain circumstances only, would have to determine on the spot upon the subject of vessels captured by the Spanish blockading squadron, to the preliminary proceedings of a Police Court in the case of ordinary offences—a Court which had the power of either at once dismissing a charge, or of remanding the accused person until he could be tried before a superior Tribunal. There would always be reserved for the owners of a captured vessel, however it might be disposed of by a Court such as that established by Admiral Pareja, the right to a full trial before a regularly constituted Spanish Tribunal, with the power on the part of the captured party to employ counsel, adduce evidence, and with every other requirement of a regular legal defence, as well as with a claim to full indemnity

for the consequences of an erroneous decision by the preliminary naval Court of Inquiry before which the case had been first brought.

His Excellency added that the proceedings before the naval Court in question would never be resorted to unless under circumstances which rendered any other course impracticable, and he had, in fact, good hopes that it might never be found necessary to resort to it at all.

I have, &c.
(Signed) JOHN F. CRAMPTON.

No. 153.

*The Earl of Clarendon to Mr. Thomson.**

Sir, *Foreign Office, March 15, 1866.*
WITH reference to my despatch of the 1st instant, I inclose, for your information, copies of a Proclamation by Her Majesty declaring her neutrality in the war between Spain and Peru.†

I am, &c.
(Signed) CLARENDON.

No. 154.

Mr. Thomson to the Earl of Clarendon.—(Received March 16.)

My Lord, *Santiago, January 19, 1866.*
I HAVE the honour to transmit to your Lordship a translation of a note dated the 16th instant, addressed by the Acting Commander-in-chief of the Spanish naval forces in the Pacific to the Portuguese Consul-General, acquainting him, as Doyen of the Consular body there, that the blockade of the port of Caldera by the Spanish forces has been raised, Valparaiso being thus the only blockaded port at the present time.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

Inclosure in No. 154.

Commodore Nuñez to the Consul-General of Portugal.

(Translation.) *“Villa de Madrid,” Valparaiso, January 16, 1866.*
THE Undersigned, Acting Commander-in-chief of the Spanish naval forces in the Pacific, has the honour to acquaint the Consular body residing at Valparaiso, through the medium of its Doyen, the Consul-General of Portugal, that the blockade of the port of Caldera which was maintained by the forces under his command has been raised.

The Undersigned, &c. (Signed) CASTO MENDEZ NUNEZ.

No. 155.

Mr. Thomson to the Earl of Clarendon.—(Received March 16.)

My Lord, *Santiago, January 23, 1866.*
IN pursuance of what is stated at the close of my despatch of the 16th instant, I had an interview on the 17th with the Acting Chilean Minister for Foreign Affairs, to ask the sanction of his Government to my communicating to the Spanish Commander-in-chief the adhesion of the Chilean Government to the proposition made to it for the establishment of an armistice, if the Peruvian Government should accede to her doing so.

His Excellency, however, objected to my making any allusion at the present moment to the Treaty recently concluded between the two Republics. He said it would be highly prejudicial to Chile if that alliance were now brought to the knowledge of the Spanish Commander, but that this objection would not exist after the 22nd instant, when the

* A similar despatch was addressed to Mr. Barton. † Inclosure in No. 149.

Peruvian ships of war proceeding to the rendezvous in the Archipelago of Chiloe would have passed Valparaiso, and when the intermediate steamer from Callao would have brought notice of the Treaty having been published there, and of war having been declared by Peru against Spain.

M. Flory having informed me that as the instruction he had received from his Government did not authorize his making any communication to the Spanish Commander-in-chief, previous to our obtaining from the Chilean Government its consent to a suspension of hostilities, he would not himself write to that officer; but that having been instructed generally to support any steps taken by me, with the view of re-establishing peaceful relations, if I should determine to make known to him at once the steps which had been taken by Her Majesty's Government and that of France to induce the Government of Spain to accept the mediation of the two Powers, and to authorize the suspension of hostilities, I could speak in his name also.

Accordingly, as instructed in your Lordship's despatch of the 30th of November, I addressed to the Spanish Commander-in-chief the note of which I have the honour to inclose a copy; and in reply have received from him the communication of which the inclosed is a translation.

In it the Commander-in-chief confines himself to the statement, that when he receives from me and my French colleague an intimation of the acceptance by Chile of the armistice proposed to it, he will communicate to us the instructions given to him by his Government in this matter.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

Inclosure 1 in No. 155.

Mr. Thomson to Commodore Nuñez.

My Lord, Santiago, January 18, 1866.

I HAVE the honour to acquaint your Excellency, on the part of my colleague M. Flory, Chargé d'Affaires of France, and on my own part, that during the fortnight which preceded the departure of the mail-steamer from England on the 2nd of December last, our respective Governments had been in constant communication with Her Catholic Majesty's Government, with the object of engaging it to adopt moderate counsels in its dispute with Chile, and to accept the good offices of France and England, with a view to the re-establishment of friendly relations with this Republic.

Time had not admitted of an understanding being arrived at with the Court of Spain by the mediating Powers as to the terms which would be acceptable to the Spanish Government, but they have felt so deeply the importance of putting an immediate stop to the prosecution of hostilities that they have invited the Government of Spain to authorize at once the Commander-in-chief of Her Catholic Majesty's naval forces here to suspend hostilities on learning from my French colleague and myself that the Chilean Government are willing to do so likewise.

In pursuance, therefore, of an instruction from our Government, M. Flory and I have been in communication with the Chilean Government with the view of obtaining its consent to an immediate armistice; and although we are not yet in a position to inform your Excellency of the result of our proceedings, we trust to be able to do so in a few days.

I avail, &c.
(Signed) WM. TAYLOUR THOMSON.

Inclosure 2 in No. 155.

Commodore Nuñez to Mr. Thomson.

(Translation.)
Sir,

*On board the frigate "Numancia," Roadstead of Valparaiso,
January 21, 1866.*

I HAVE had the honour to receive the communication which, in your name and that of your colleague M. Flory, Chargé d'Affaires of France, you were pleased to address to me on the 18th instant, in which you inform me that the Governments which you represent in Chile have been in constant communication with that of Her Catholic Majesty

during the fortnight which preceded the departure of the steamer from England on the 2nd of December last, with the object of obtaining the re-establishment of good relations between Spain and the Republic of Chile, but that time did not admit of an understanding being arrived at between the Court of Spain and the mediating Powers respecting the terms which would be acceptable to the Spanish Government.

You were also pleased to add that, feeling the importance of at once putting an end to the prosecution of hostilities, the said Governments had invited that of Spain to authorize the Commander-in-chief of her naval forces in the Pacific to suspend hostilities on receiving notice from you and your colleague that the Chilean Government are equally willing to do so; and that, in pursuance of the instructions of your respective Governments, you and M. Flory have been in communication with the Government of Chile with the view of obtaining its consent to an immediate armistice, without, however, being yet able to inform me of the result of your proceedings, but trusting to be able to do so in a few days.

Whenever this may be the case I shall have the honour to communicate to you and your colleague the instructions which I may have with regard to it from my Government.

I avail, &c.

(Signed) CASTO MENDEZ NUNEZ.

No. 156.

Mr. Thomson to the Earl of Clarendon.—(Received March 16.)

My Lord,

Santiago, January 24, 1866.

IN conformity with the instruction contained in your Lordship's of the 1st of December last, to communicate with the Spanish Commander-in-chief on the subject of a circular issued (as reported in the "Times" newspaper of the 29th of November last) by the Spanish Minister of Marine, the terms of which coincided with the 9th Article of Instructions for Cruizers by Admiral Pareja, by which the Commanders of Spanish ships of war are ordered to treat as pirates all Chilean privateer ships of which the captain, the officers, and the majority of the crew are not Chilean, and who may not have received their Commissions direct from the Chilean Government, I addressed to the Acting Commander-in-chief the note of which Inclosure No. 1 is a copy. Inclosure No. 2 is a copy and translation of that officer's reply, in which he states that he cannot and ought not to enter into discussion with regard to the determinations of his Government; and after employing several arguments, proving, in his opinion, that the 9th Article of Admiral Pareja's Instructions is consistent with international law, he adds, that as those instructions have been approved by his Government, he must act according to them, until they have been countermanded by his Government.

Under these circumstances, the object of your Lordship having, as it appears to me, been accomplished, in making known at once to the Spanish Commander-in-chief the view taken by Her Majesty's Government in this matter, and their intention of also intimating it to the Government of Spain, it may, I think, safely rest as at present, until such time as he may receive the confirmation or counter-order of his Government, as it may determine.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure 1 in No. 156.

Mr. Thomson to Commodore Nuñez.

Sir,

Santiago, January 18, 1866.

THE attention of Her Britannic Majesty's Government having been attracted by a paragraph which appeared in the "Times" newspaper of the 29th of November last, purporting to contain intelligence from Madrid that the Spanish Minister of Marine had issued a circular ordering the Commanders of Spanish ships of war to treat as pirates all vessels of which the captain, the officers, and the majority of the crew are not Chileans, or who may not have received their Commissions direct from the Chilean Government, I have received the instructions of the Earl of Clarendon, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, to communicate with your Excellency on this matter.

Although Her Majesty's Government had not received from Her Majesty's Minister at Madrid any notice of such a circular having been issued, yet, considering the report in connection with the terms of the 9th Article of the Instructions for Cruizers issued by his Excellency the late Admiral Pareja, the matter could not be overlooked; and having consulted the Crown Lawyer thereon, Her Majesty's Government are advised that the instructions on the above points are inconsistent with the Law of Nations, which has never regarded as piracy the enlistment of the subjects of one nation in the war service of another, and which draws no distinction between Commissions given direct by a belligerent Government, and Commissions given by persons acting by its authority as its agents for that purpose.

In communicating with your Excellency on this matter, I am instructed also to inform you that Her Britannic Majesty's Minister at Madrid will be directed to call the attention of Her Catholic Majesty's Government to it, and to intimate that foreign Governments, any of whose subjects may under these instructions be proceeded against as pirates, cannot be expected to acquiesce in them.

I take, &c.
(Signed) WM. TAYLOUR THOMSON.

Inclosure 2 in No. 156.

Commodore Nuñez to Mr. Thomson.

(Translation.)

Sir,

"Numancia," Valparaíso, January 22, 1866.

THE official letter which you have been pleased to address to me, dated the 18th instant, informs me that Her Britannic Majesty's Government, in consequence of a paragraph in the "Times" of the 29th November last, relative to a circular of the Spanish Minister of Marine, in which it is determined to treat as pirates all Chilean privateers whose captains, and the majority of the crews, are not Chileans, had consulted the Law Officers of the Crown regarding that determination, and also the 9th Article of the Instructions issued by his Excellency the late General Pareja, and that those lawyers were of opinion that what is set forth, both in the circular and also in the Article cited, are inconsistent with the law of nations.

You add that you are instructed to state to me that the Representative of Her Britannic Majesty at Madrid would call the attention of Her Catholic Majesty's Government to this matter, and intimate that it is not to be expected that foreign Governments whose subjects, according to the determinations in question, are to be treated as pirates, will agree to it.

In acknowledging the receipt of your communication, I have to state to you that I neither can nor ought to enter into a discussion respecting the determinations of my Government, which, besides the reasons it may have to adopt them, will come to an understanding with the others respecting the grounds which serve as bases to the circular to which you refer.

With regard to the 9th Article of the Instructions of Blockade issued to the Commanders of the vessels of this squadron, I may be permitted to indicate to you various observations which show that they are in harmony with the prescriptions of international law. That Article says, "The vessel (privateer) must also be manned, in the greatest part, by subjects of the nation to which she belongs."

Now privateering is nothing else than an element of war by which the belligerents assail and damage their enemies, and therefore the majority of the European nations, by different Treaties, prohibit their subjects from accepting letters of marque from either of the belligerents in whose struggle they may be neutrals, considering that otherwise they would cease to be so, because they assist one of the belligerents to the prejudice of the other, thus doing away with the principle of neutrality required by the law of nations.

I shall not, at present, enumerate the various Treaties concluded between European Governments and between these and that of the United States of America regarding this particular, and in which it is distinctly stipulated "that any citizens or subjects of the Contracting Parties who may take letters of marque to act against one of them which may be at war are to be treated as pirates." But I will cite to you, as the latest, the instructions given by the French Admiral Baudin, on the 8th of January, 1839, to the Commanders of the vessels which, under his orders, maintained the war against the Republic of Mexico, in which he says, "Ne seront considérés comme Mexicains que les navires armés dans un des ports du Mexique pourvus d'une lettre de marque régulière émanée directement du Gouvernement de ce pays, et dont le capitaine et les deux tiers de l'équipage au moins seront nés Mexicains. Tout corsaire sous pavillon Mexicain qui ne satisfait pas à ces conditions

sera considéré comme pirate, et comme tel traité avec toute la sévérité des lois de la guerre." The circular of the Government of Washington in 1847, during the war which was carried on with that Republic, in which it is distinctly declared "that it would treat as pirates those foreigners who might be found in Mexican privateers," goes much beyond the 9th Article of the Blockading Instructions to this squadron. The prohibitions published on account of the same war by England and France, and in which they declare that those who might infringe them would subject themselves to the consequences and measures which the belligerents might dictate; and, finally, the same prohibitions, with the like declaration in respect to such infringement, was issued by the Governments of Spain and France on the breaking out of the war between the Federal States of the Union and the Southern Confederate States.

All these observations, and others which could be brought forward, taken from the law of nations, show that the last prescription of Article 9 of the Blockading Instructions with respect to Chilean privateers is in every respect in accordance with that law, and both on this account, as also because the Instructions have been approved by my Government, I cannot alter the said Article until I receive counter-orders.

I take, &c.

(Signed) CASTO MENDEZ NUNEZ.

No. 157.

Mr. Thomson to the Earl of Clarendon.—(Received March 16.)

(Extract.)

Santiago, February 1, 1866.

MY previous despatches would have prepared your Lordship for the difficulty encountered, through the recently-concluded Treaty of Alliance between this country and Peru, in carrying out your Lordship's instructions with respect to the immediate establishment of an armistice, and the acceptance by Chile of the terms proposed by England and France for the re-establishment of peace. Had this complication not arisen, and Chile had consequently been free to at once act, I am inclined to believe the matter would have been brought to a successful issue.

The Press here and at Valparaiso insist that it is the desire of the country that no mediation be accepted, and that the war be continued; but I feel little doubt that those sentiments are not participated, either by the Government or by the majority of the influential people of the country. In so far as I am able to judge, the desire for peace is general; and the inexpediency of the Treaty with Peru, both as an impediment to an immediate peace and as productive of further complications for this country, is becoming admitted here, and it is even said to be becoming unpopular in Peru also. This Government, however, is now so fully compromised that it has no choice left, and, at whatever cost, must adhere to it.

How Her Majesty's Government may view the circumstance of Peru having declared war against Spain without any fresh alleged grievance, and how far Her Majesty's Government may feel inclined to continue to exert their good offices in view of this complication, are points on which I am incompetent to form an opinion, and await an instruction. But as British commercial interests with Peru are about as extensive as they are with Chile, so much the more desirable is it that a settlement of the whole question with the two Republics should be arrived at; and therefore, if the reply of the Peruvian Government be of such a nature as to admit of my taking steps with the Spanish Commander-in-chief to obtain by an armistice security against further complication until the new posture of affairs has been referred to his and the mediating Governments, it is my intention to use my best endeavours with that officer for the attainment of that object. From what I can learn, there would appear to be good ground to believe that the Spanish squadron in the Pacific is in a critical position with respect to the health of the crews, from their long want of fresh provisions, and perhaps, too, now that Peruvian ports are closed, from scarcity of coal. A suspension of hostilities, therefore, under these circumstances, could not be viewed as a proposal exclusively favourable to the enemy. The "Villa de Madrid" and frigate "Blanca" left Valparaiso roadstead several days ago, the destination, of course, unknown. If they should, during their cruise, encounter and capture any of the combined squadron, it would tend to overcome the repugnance which Spain would naturally feel to enter into a pacific arrangement while the stain of the capture of the "Covadonga" remained on her flag.

The question of salute is the point which Chile will resist; and, indeed, many people here express the opinion that the concession of this point by the Government would cause

a revolutionary movement. I do not participate in the opinion, because those who hold it view the proposed salute by Chile in the same light as that which was demanded by Admiral Pareja under the menace of his guns, and as a preliminary to negotiation; while, if accepted by the Government, they will find that the one now proposed is a friendly recommendation of the mediating Powers, and a natural sequence to the renewal of friendly relations between belligerents. As the salute, in the manner stated in the Memorandum, was, at the time when that document was drawn up, considered expedient, it would appear to be still more so now, in order to calm the irritation of Spain on account of the capture of the "Covadonga." I have therefore, in private conversations with the Minister for Foreign Affairs, continued to urge that Chile should first render the entire salute of twenty-one guns, to be returned by the Spanish ship of war.

No. 158.

Mr. Thomson to the Earl of Clarendon.—(Received March 16.)

My Lord,

Santiago, February 1, 1866.

IN carrying out the instruction contained in your Lordship's despatch of the 16th of December last, to formally propose to the Chilean Government the good offices of Her Majesty's Government for the purpose of putting an end to the war between Chile and Spain, and to submit to the Minister for Foreign Affairs the terms stated in the Memorandum inclosed in the above despatch, I arranged with my French colleague that we should do so together. We had two interviews on the subject with the Minister for Foreign Affairs, one on the 29th, and the other on the 30th of last month.

At the first of these his Excellency, in reply to my formal offer of the good offices of England, replied in nearly the same terms as were employed by the Acting Minister for Foreign Affairs at the interview I reported in my despatch of the 16th of January, warmly and gratefully acknowledging, in the name of his Government, the friendly feeling displayed by England; and with reference to the terms on which it is proposed that peace be re-established, he said that he could give us no reply without having first consulted and received the instruction of his Excellency the President. It was therefore arranged between my colleague and myself that we should transmit to the Minister a copy of the Memorandum, and see him on the following day to learn the determination his Government might have come to regarding it.

Inclosure No. 1 is a copy of the note in which I transmit a copy of the Memorandum.

At the second interview the Minister repeated the warm and grateful acknowledgment of the President and his Government for the offer of good offices, which they gladly accepted. With regard to the terms of the Memorandum, he stated that this was a matter on which his Government could not at the present moment enter. It was bound with Peru in an offensive and defensive alliance; and, such being the case, even if the terms proposed had been of such a nature as to exceed the hopes, or even desires, of Chile, his Government could give no reply until it had communicated with and come to an understanding with that Government. He said that, by the earliest opportunity, this matter would be referred to the Peruvian Government; and that, as soon as its views were ascertained, he would lose no time in bringing them to our knowledge. This is, I think, the substance of what passed officially at the interview on the 30th ultimo.

Inclosure No. 2 is a translation of the reply of the Chilean Minister to my note of the 29th. Your Lordship may probably be of opinion, from the tenor of this communication, that the Chilean Government does really ardently desire the re-establishment of peace, and would probably accept the terms proposed by England and France, if security were obtained against such demands as Spain may now consider herself entitled to make against Peru.

I have, &c.

(Signed)

WM. TAYLOUR THOMSON.

Inclosure 1 in No. 158.

Mr. Thomson to Señor Covarrubias.

Sir,

Santiago, January 29, 1866.

AT the interview which I had to-day the honour to hold with your Excellency, in company with my colleague the French Chargé d'Affaires, I stated that I had been

instructed formally to propose to the Chilean Government the good offices of Her Majesty's Government for the purpose of putting an end to the state of war which now unfortunately exists between this Republic and Spain, and communicated at the same time to you verbally, the terms upon which the Governments of England and France, after serious deliberation, have considered that those differences may be arranged with due regard to the honour and dignity of the contending parties.

I have now the honour to transmit to your Excellency herewith a Memorandum of the terms in question; and as they have been accepted in a conciliatory spirit by the Government of Her Catholic Majesty, Her Majesty's Government, having full reliance on the rectitude and the pacific intentions of the Chilean Government, consequently hope that the terms which England and France consider honourable to Chile will be accepted in the same spirit in which they are offered.

I avail, &c.
(Signed) WM. TAYLOUR THOMSON.

Inclosure 2 in No. 158.

Señor Covarrubias to Mr. Thomson.

(Translation.)

Sir, *Santiago, January 31, 1866.*

I HAVE had the honour to receive the note which you were pleased to address to me the day before yesterday, transmitting, in accordance with what you stated verbally to me in our conference on that day, a memorandum of the terms in which the Governments of England and France consider that the differences between Chile and Spain may be arranged without detracting from the honour and dignity of the contending parties. You at the same time inform me that the Government of Spain has accepted these terms in a conciliatory spirit, and that the Government of Her Britannic Majesty hopes that my Government may accept them in the same spirit with which they are offered by England and France, who consider them honourable to Chile.

A few moments before receiving from you the communication alluded to, a similar one had reached me from the French Chargé d'Affaires, to which I have just replied in the same terms as I have now the honour to reply to you.

You are aware that a Treaty of Alliance, offensive and defensive, has been concluded between Chile and Peru to carry on the present war, and that this alliance is now in operation; consequently any attempt to bring about a pacific solution of the contest could not be entertained by Chile without taking into consideration the cause of its allies as well as its own.

This essential requisite could not be attended to in the memorandum which I have now before me, drawn up without any information of the recent alliance. My Government therefore considers it unnecessary to enter upon an estimate of the merits of the bases for an arrangement which does not satisfy the exigencies of the new situation in which it is placed.

The alliance alluded to, and those of a like nature which Chile may, at a period more or less near, contract, does not, however, involve the impossibility of putting an end to the present struggle by other means than those of arms. On the contrary, the Government of the Republic thinks that its arrangements and views (and it is not afraid to add, those of its ally, the Peruvian Government) tend to facilitate a pacific arrangement. It will be sufficient that such an arrangement shall duly consult the dignity, the legitimate interests, and the future security of Chile and Peru, and of the other American Republics which may then have joined the present alliance, for it to be accepted with the greatest good will by all of them.

Nor could it be otherwise. Ill prepared for war, and especially for a maritime war, the States of this continent can only engage in it as a melancholy and inevitable necessity.

In so far as Chile is concerned, you may yourself have observed the pacific spirit which animates her. The prospect of military glory has no charms for this country, which has but a small population, and which has for some time past devoted all its energies and all its resources to the fair works of peace in which it has formed its habits, and founds exclusively its prosperity and aggrandizement.

Well aware of this important consideration, and stimulated by its own sentiments, the Government of Chile eagerly desires the re-establishment of a peace which, before it was broken, it strongly endeavoured to maintain by all the means compatible with its honour and national rights. Impatient to return to that peace, they will embrace with

the greatest pleasure a pacific solution, which, while satisfying the dignity of the contending parties, and doing away with the real causes of the present war, may restore to Chile and its allies that permanent tranquillity abroad which it requires for its own welfare, and in order to cultivate its extensive mercantile relations with Europe.

In the meantime my Government avails itself of the opportunity of making you the worthy channel for the expression of its warmest thanks for the interest which Her Britannic Majesty's Government has been pleased to take in the question.

Accept, &c.

(Signed)

ALVARO COVARRUBIAS.

No. 159.

Mr. Thomson to the Earl of Clarendon.—(Received March 16.)

My Lord,

Santiago, February 2, 1866.

I HAVE the honour to inclose to your Lordship a printed copy of the Treaty of Alliance, offensive and defensive, concluded between Chile and Peru. As your Lordship will have already received a copy of this document from Lima, I trust you will for that reason, and for my being pressed for time, excuse my not having accompanied it with a translation.

I have, &c.

(Signed)

WM. TAYLOUR THOMSON.

Inclosure in No. 159.

Treaty of Alliance between Chile and Peru, signed December 5, 1865.

[See Inclosure in No. 149.]

No. 160.

Lieutenant-Colonel Neale to the Earl of Clarendon.—(Received March 16.)

(Extract.)

Quito, January 31, 1866.

I HAVE the honour to announce to your Lordship the arrival at this place of Señor Don José Luis Quiñones, charged with an Extraordinary Mission to this Republic from the Government of Peru.

On the 26th instant the Envoy was received with much ceremony by the President and Council, and having presented his credentials, delivered an address, of which I have the honour to inclose a translation, together with a translation of the reply of the President forming two inclosures.

Your Lordship will observe that the object of Señor Quiñones' mission was impliedly to negotiate an alliance between Peru and this Republic, in view of the pending hostilities between Spain and Chile. And I am informed that the Equatorian Government has acceded to the appeal made by that of Peru, and has formally entered into a Treaty, offensive and defensive, with that Republic as directed against Spain.

No publicity has as yet been given to this act, which has been conducted with some secrecy; nor is it known what may be its precise terms.

Inclosure in No. 160.

Extract from "El Nacional."

(Translation.)

ON the 26th of the present month, in compliance with diplomatic usage, his Excellency Dr. Don José Louis Quiñones, was admitted to a public audience, and having presented his credentials to his Excellency, the chief of the State, accrediting him as Envoy Extraordinary and Minister Plenipotentiary from Peru to this Republic, made the following address:—

" Sir,

" The great necessity there is that nations should cultivate and strengthen the bonds that unite them can only be made effective through the agency of those who, loyally and

patriotically represent them. And if in two neighbouring countries there should have unfortunately arisen obstacles in the path leading to union and harmony, they are now called upon, by the sacred rights of self-preservation, to appeal to their respective governors, and remove all difficulties by self-denial and generosity, or to spread a veil over the past, and attend only to the present.

"Peru and Equator, for a thousand motives of relationship and from the very nature of circumstances, cannot but be sister Republics. Together they fought for political freedom, suffering the martyrdom that precedes glory, and together also they shed their blood in the memorable campaigns of Junin and Ayacucho, sealing the independence of the world of Columbus. And now that the countries of South America are in a state of agitation in consequence of the tenacity and injustice by which the ill-advised Council at Madrid endeavours to make us odious to the extent of bereaving us of our title to be called mother-country; the Republics of Peru and Equator cannot remain passive and behold with criminal indifference their own interests as well as those of another favourite sister Republic perfidiously threatened, defending her honour and dignity with a heroism scarcely inferior to that displayed in those glorious epochs when our forefathers were the founders of our liberty. Indifference among brethren proves invariably the ruin and destruction of the family.

"The Peruvian people, loyal and magnanimous, but at the same time jealous of their honour, as has just been shown to America and the whole world in the revolution that has closed satisfactorily in accordance with the rules of the civilization of the present age, considers it to be a solemn act of treason to the American cause, that of being occupied at the present moment in domestic complaints and interests of a secondary nature.

"And under this conviction his Excellency did not commission me to prefer claims, which I am persuaded will be attended to and rectified by your proverbial equity; but he sent me with the brotherly title of an 'American,' to cement, in a positive way, the frank and sincere union which, as a matter of course, exists between Peru and Equator, because in this way they may save the honour, dignity, and independence of the country, as happened in the year 1824.

"As a proof of these sentiments entertained by the provisional supreme Chief of Peru, with a noble frankness, I have the high and distinguished honour of placing in your Excellency's hands the credential note in confirmation of my appointment as Extraordinary Envoy and Minister Plenipotentiary from the Republic of Peru to your Excellency and to your enlightened Cabinet. I shall feel happy should your Excellency have the goodness to receive me with benevolence, and still more happy if, as I trust, the wishes of my Government be realised, which acts under the conviction that your Excellency will be a faithful interpreter of the feelings of the Equatorian nation, which cannot differ from those professed by their neighbours."

His Excellency the President replied:—

"I feel flattered by the expression of your noble sentiments relative to the necessity of a union between nations with a view to preserve their liberty. In presence of this sacred principle, which constitutes the life of nations, all other controversies should disappear, and the imposing voice of patriotism be alone listened to.

"Equator and Peru have been and always will remain brothers, because they are united by sincere friendship, identity of interests, and community of heroic exploits, achieved by both in the great war of independence of the New World, guaranteeing her nationality in the memorable campaigns to which you have referred. These nations must advance in perfect good intelligence, and unite with each other in favour of the great American cause on all occasions that it may appear threatened, and when it may be necessary to save it from any danger by which it may be compromised.

"Domestic remonstrances are not opportune in time of danger; and under that conviction I abstain from calling attention to those in favour of my country, although I feel confident that your Government will acknowledge their justice.

"The honourable mission confided to you by his Excellency the supreme provisional Chief of Peru reveals the frankness of his character, the liberality of his ideas, and a lively wish to promote the relations of peace and amity between the two countries.

"Accept, Señor Minister, my felicitations for the high testimony of esteem which you have merited, and rely on my sincere wish to respond to the elevated views of your Government, and on my firm co-operation in the discharge of a mission which I am aware will produce advantageous results to both Republics. Your acknowledged enlightenment as well as your accredited patriotism, and the constant adherence to American opinions which you invoke at so solemn a moment, promise such a result."

The Earl of Clarendon to Mr. Thomson.

Sir, *Foreign Office, March 16, 1866.*

YOUR despatches to the 2nd of February have been received late this afternoon, and I have only time before the departure of the mail to acquaint you that I approve of the manner in which, as reported in your despatch of the 1st of February, you executed the instructions conveyed to you in my despatch of the 16th of December, directing you to make known to the Chilean Government the terms on which the Governments of England and France were of opinion that an arrangement of existing differences between Chile and Spain might be effected.

I also approve of the communication which, as reported in your despatch of the 23rd of January, you made, under my instruction of the 30th of November, to the Spanish Naval Commander, with a view of inducing him to agree to an armistice to give time for negotiations.

I am, &c.

(Signed) CLARENDON.

The Secretary to the Admiralty to Mr. Hammond.—(Received March 19.)

Sir, *Admiralty, March 17, 1866.*

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Clarendon, copies of two letters from Rear-Admiral the Hon. J. Denman, dated the 2nd February, containing intelligence respecting the state of affairs in Chile, and reporting that a large increase is expected to the naval force of the United States in the Pacific.

I am, &c.

(Signed) W. G. ROMAINE.

Inclosure 1 in No. 162.

Rear-Admiral Denman to the Secretary to the Admiralty.

(Extract.) *"Sutlej," Valparaíso, February 2, 1866.*

I HAVE the honour to state for the information of their Lordships that I reached Valparaíso on the 27th ultimo.

The declaration of war against Spain by Peru, which was celebrated here on Sunday, the 28th January, by salutes and other demonstrations, and the capture of the Spanish gun-boat "Covadonga," on the 26th November, by the Chilean corvette "Esmeralda," have been the most important circumstances that have occurred.

The blockade now is confined to this port, and is insufficient to cause any serious pressure upon the trade of the country. Everything can now pass through the other ports, and one beneficial effect will be the improvement of the roads along the coast. A very large proportion of the working people of Valparaíso have left for the coast ports, where they have found employment at increased wages, and no distress exists at present in Valparaíso.

The declaration of war by Peru was celebrated last Sunday, with salutes and great rejoicings, and it appears only too likely that the exultation of the Chileans may lead to danger to this city. They are remounting the guns on the battery over the town, which had been removed at the desire of the Spanish Admiral, and I hear that a torpedo has been constructed, and other measures of offence are in progress. This fort is wholly incapable of defending the town, and I shall endeavour to dissuade the authorities from such measures, the only result of which can be to afford an excuse to the Spaniards for attack, which might produce very serious results to British property. The total inefficiency of the blockade to reduce the Chileans to terms may very strongly tempt the Spanish Commodore to take advantage of these injudicious demonstrations.

Rear-Admiral Harvey found Admiral Pareja most anxious to deal as favourably as possible with British interests, and his successor in the command, Commodore Nuñez, appears to be animated with the same desire.

The Rear-Admiral has conducted the duties with the greatest judgment, and has maintained the best understanding with both the contending parties throughout.

The Spanish Commodore appears to be waiting instructions from home, and has concentrated his squadron in this quarter. The force in port consists of the iron-clad steam-ship "Numancia," the frigates "Resolucion" and "Berenguela," and the gun-boat "Vencedora." The "Villa de Madrid" and the "Blanca" frigates left here on the 21st ultimo, and are said to be cruising outside.

Inclosure 2 in No. 162.

Rear-Admiral Denman to the Secretary to the Admiralty.

(Extract.)

Santiago, February 2, 1866.

I HAVE visited Santiago to confer with Mr. Thomson, Her Majesty's Chargé d'Affaires, with whom I shall make a private visit this evening to the President. I am personally acquainted with him, and I am anxious to urge upon him the importance of taking great care not to forfeit the security for Valparaiso which arises from its character as a commercial town.

The General at Valparaiso assured Admiral Harvey that he was mistaken in supposing the light saluting guns mounted on the battery over the town in place of heavy guns had been changed again.

But there is no doubt a torpedo has been constructed at Valparaiso, and I am confidently assured also that the casting of heavy guns is in progress at the port, and these might afford a not invalid excuse for an attack from the Spanish Admiral.

The number of ships under the English flag now at these ports is between twenty and thirty sail.

I shall strive as much as possible to maintain good relations with both contending parties here, and to prevent as much as possible any increase of hostile feeling between them, which I fear, however, will be greatly aggravated when the despatches from Spain relative to the capture of the "Covadonga" have been received.

No. 163.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, March 19, 1866.

I HAVE received your despatch of the 24th of January, inclosing copy of a letter which you addressed to the Spanish Commander-in-chief, embodying the views of Her Majesty's Government in regard to Admiral Pareja's instructions for the treatment of Chilean privateers by Spanish cruizers, and I have to state to you that I approve your proceedings in this matter.

I am, &c.
(Signed) CLARENDON.

No. 164.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, March 19, 1866.

I HAVE received your despatch of the 27th ultimo, reporting a conversation which you have had with Señor Bermudez de Castro in regard to the intention of the Spanish Government to maintain, under certain circumstances, the Prize Courts which were established by Admiral Pareja on board his flag-ship; and having referred this despatch to the Law Adviser of the Crown, I have to state to you that Her Majesty's Government are of opinion that the explanation of Señor Bermudez de Castro renders it probable that little or no practical difficulty will arise in respect to British vessels; and they do not think it necessary that you should make any further communication to the Spanish Minister on the matter.

I am, &c.
(Signed) CLARENDON.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, March 27, 1866.

I TRANSMIT to you herewith, for your information, a translation of a note from M. Bermudez de Castro to the Marquis de Molins,* and communicated to me by the latter, containing the views of the Spanish Government in regard to the conditions under which Chilean privateers would be treated as pirates.

I caused this note to be referred to the proper Law Officers of the Crown, together with my despatch to you of the 6th of January; and it appears to me to be necessary to state clearly the difference of opinion which exists between Her Majesty's Government and that of Spain in regard to this important subject.

The Spanish Government maintain that they have a right to treat as pirates all Chilean privateers duly commissioned by and carrying the flag of that State, unless the captain and the majority of the crew be composed of Chilean subjects.

Her Majesty's Government, on the other hand, maintain that the privateer derives her authority from the commission and flag, and that the condition required by the Spanish Government with respect to the composition of the crew is not warranted by international law; and that though it is competent to Spain or any other State to treat as pirates its own subjects serving on board a duly commissioned foreign privateer, it is not competent to Spain, or any other State, so to treat the subjects of a foreign country: that, in fact, the regulation as to the number of the crew who are to be the subjects of the State which commissions the privateer is a regulation of municipal and not of international law.

These positions Her Majesty's Government have supported by arguments derived from principle, from practice, and from the authority of accredited writers upon international jurisprudence.

The Spanish Government allege in the inclosed note that upon all these grounds Her Majesty's Government have failed to support their opinion.

It is proposed to examine the arguments upon which this assertion rests, in the order in which they are stated in the note of M. Bermudez de Castro.

The first argument is, that to deny to Spain the right of treating as pirates foreign subjects so serving on board privateers, is to deny to her the exercise of that jurisdiction which is the essential attribute of independent sovereignty.

It is very difficult to understand this argument. It is not contended by Her Majesty's Government that foreign subjects in the dominions or in the ships of Spain are not subject to the jurisdiction of that State. It is not contended that Her Majesty's subjects serving in the armies or fleets of the enemies of Spain are not subject, when captured by Spain, to be treated as prisoners of war. Either of these contentions would indeed be derogatory to the sovereignty of Spain; but it is contended, that Spain cannot, by a private law of her own, whether that law be or be not identical with the private law of another State, change the character and alter the condition of a prisoner of war into the character and condition of a pirate.

It seems to be admitted by Spain that she is bound to treat foreign subjects taken in the army or navy of her enemy as what she calls "milites," as prisoners of war; but she contends that a different rule applies to foreign subjects serving in the privateers of the enemy. But upon what principle, when it is admitted that the privateer herself is entitled to be treated as a vessel of war? It is said that otherwise the foreign subject would be the subject of two Powers at once—namely, that of the State to which his original allegiance was due, and that of the State under whose commission he was fighting. But this is a transparent fallacy. So far as affects the belligerent, which is Spain in this instance, it has been already stated that he must be considered as a subject of the State of whom he is the military servant. And here must be noticed a confusion into which Señor Bermudez de Castro has fallen with respect to the bearing of the English Foreign Enlistment Act upon this question. It has never been argued by Her Majesty's Government that this municipal law in any way affected the rights of Spain in peace or in war, but it was argued that Spain could not insist upon the regulations of this municipal law as a reason for treating English subjects on board Chilean vessels as pirates.

While reasoning upon a mistaken view of this statute, and maintaining, justly, that no municipal law can affect international law, Señor Bermudez de Castro says, "Although England might declare those English subjects to be pirates who should form part of the crew of a foreign privateer, if such privateer were an enemy of Spain, and were captured, it is clear that Spain would not consider as pirates the English subjects she might find on

* No. 143.

board if the captain and the majority of the crew were subjects of the Power which issued the Commission."

To this proposition Her Majesty's Government entirely assent; but it is fatal to the whole argument of Señor Bermudez de Castro upon the main subject of his note: for the position that when a majority of foreigners form the crew of a privateer they are to be treated as pirates, is just as much the creature of municipal law as the position that foreigners forming a minority of the crew may be treated as pirates by the State of which they are subjects. For, in fact, the former position is simply a provision contained in the Spanish and French Ordinances: the latter of which, it may be observed, have varied from time to time as to the requisite number or proportion of the foreigners. Such provisions are not a portion of international law, and the legislation of a particular nation has no authority beyond its own territory. Then what are the other authorities? It will be found when they are examined that they rest upon the statement of Ortolan, a respectable modern writer, but not of the first class, nor a jurist by profession, and who founds his proposition upon the French Municipal Ordinance. It is true that De Pistoye and Duverdy express the same opinion; but, as I pointed out to you in my despatch of January 6, they cite in support of it no other authority than that of Ortolan.

It was stated, on the other hand, by Her Majesty's Government that no such position was to be found in the writings of any English or American jurists, or in the orders issued by these Governments with respect to privateers; and this statement remains uncontradicted by Señor Bermudez de Castro.

It was further stated by Her Majesty's Government that the authority of many other writers (among whom were enumerated the older jurists, Bynkershoek and Abreu, and the modern Spanish jurists, Pando and Riquelme) was directly or indirectly opposed to this doctrine. It is replied that this is an error; and first, with regard to Bynkershoek, a passage is cited from one of his chapters in his "*Quæstiones Jurispublici*" (l. 1, cap. 17), to the effect that the commander of a privateer sailing "*sine codicillis sui principis*" is a pirate; and also another passage, though not expressly cited, is referred to, that one who sails under the orders "*externi principis*" is in the same category.

It will be found on examination of the chapters and the context of the passages referred to that Bynkershoek laid down no such doctrine as is contended for; but that his general reasoning, as well as his particular language, is most clearly adverse to it.

He has three chapters bearing upon the subject, one upon piracy (cap. 17), "*Who are pirates?*" and three upon the subject of privateering. The passage "*sine codicillis*," &c., alluded to above, is in the first of these chapters (p. 127), and it is hardly too much to say that, if the whole chapter had been read, it never would have been cited by the Spanish Minister.

The author begins by propounding the question, "*Who are pirates?*" and immediately answers by this definition: "*Qui autem nullius principis auctoritate, sive mari, sive terrâ, rapiunt, piratarum prædonumque vocabulo intelliguntur.*" This is the true international doctrine upon the subject. He proceeds to say that, according to the Dutch law, a Dutchman may not sail from a Dutch harbour or coast with the commission of a foreign Prince ("*cum mandato externi Principis*"); and, continuing his argument, he adds that those who, under the authority of a foreign ("*externi*") Prince, "*ad prædandum exeunt piratarum nomine censendos esse, quia sic possent et non hostes deprædari, et alios Principes contra suum suscitare.*"

Bynkershoek is here speaking of the case of a privateer belonging to a neutral subject (a thing not unknown in the times when he wrote), and not of a privateer belonging to the belligerent, and carrying the commission of the belligerent State.

In another part of the chapter (p. 127) he deals with the question whether a foreign vessel, taken without a commission while acting as a privateer, can be tried and punished by the country of the captor, and expresses his own opinion in the affirmative; and then he adds the passage cited by the Spanish Government, viz.: "*et nemo contradixerit, si sine codicillis Principis sui in nostros rapinam egerit; sed si ex mandato cujus fines egressus dicitur, simile quod fecerit magis dubitari posset.*"

Bynkershoek then refers to a dispute in 1667 between England and Holland, which had arisen in the case of vessels which, having letters of marque, continued, after peace was proclaimed, to act as belligerents. England contended that they should be tried by the State which gave the letters of marque; Holland contended that the State of the captor might deal with them: and he ends this discussion by the words, "*Sed pirata quis sit, nec ne, inde pendet an mandatum prædandi habuerit; si habuerit et arguatur id excessisse non continuo eum habuerim pro piratâ.*"

In his next chapter, "*De Prædatoriâ Privatâ*," after describing the privateer as a vessel which individuals equip and arm, Bynkershoek says: "*Quod autem Albericus*

Gentilis in libris *De Advocatione Hispaniæ* variis locis, etiam cum de jure, quod usu servatur ipsi sermo est, ejusmodi homines passim appellat piratas, nec alio, quam piratarum, loco habet, ubique absurdus est, quam ut consuetudine disputatione refutari oporteat, quicquid enim illi agunt, agunt auctoritate publicâ, neque enavigant nisi ex mandato ordinum generalium," &c. The rest of the chapter is occupied with the law of prize, as to the rights of privateers.

The next chapter treats of the case of a ship without a commission (as privateer) making a prize, and considers to whom the prize shall belong. At the close of the chapter Bynkershoek again refers to the distinction between those "qui sine auctoritate publicâ" and "sine codicillis prædatum enavigant," and those who have a commission, upon the possession of which, duly granted, he throughout, from first to last, considers the lawful character of the privateer to depend.

The next authority impugned by the Spanish Government is that of Abreu.

The averment on the part of Her Majesty's Government was that in no part of the work of this Spanish writer was the position to be found that a lawfully commissioned privateer could be treated as a pirate, because the captain and majority of the crew had been by birth subjects of a foreign State; and that the fact was remarkable because the question of a privateer under a double commission from two distinct States was treated of (cap. 12, p. 151), in which he speaks of the commission as giving the authority to the privateer. No such position is now cited by Señor Bermudez de Castro. The passage referred to by him (cap. 1, No. 11, p. 9) merely asserts that it is not lawful for a subject without a commission from his Prince to make war, on account of the many inconveniences which would otherwise result, and that according to the Spanish Ordinance, among the vessels which are lawful prize, are those "which traverse the sea without the authority of any Prince or sovereign State," which is the "nullius Principis auctoritate" of Bynkershoek.

Next, with respect to Pando. It is said that he called the foreigners who commanded the South American privateers "filibusters," and said that no other name could be given to them. This is a strong instance of the evil of partial citation. What Pando really does say (p. 427) is, that a privateer with two commissions was considered a pirate by the French Ordinances; and he adds that one of the abuses committed by the Republic of Buenos Ayres in her war with her ancient mother-country, Spain, was entrusting the command of her privateers to foreigners, whose conduct in the exercise of their authority was such that they deserved no other character than that of filibusters. At page 429 this author says, "It is competent to each nation to give to its own privateers whatever rules it pleases; so far as these rules relate exclusively to subjects, no one can dispute the competency of the Sovereign to establish them; but this does not apply to foreigners; it has no authority to subject them to requisitions of any particular kind, except so far as the rules which it imposes are conformable to the universal law of nations, to general custom, or to Treaties."

Next as to the authority of Riquelme. This author refers to the Ordinances of Spain as being extremely severe upon the subjects of Spain,* but, so far from recognizing the rule contended for as one of international law, he observes, "Besides, the taking of a commission for privateering from a foreign State, though its object be making prizes by incurring the risks of war, cannot be esteemed a proof of high morality; still it is very far removed from the crime of piracy."

Massé and even Hautefeuille are of the same opinion. But there is another author, De Martens, of much continental celebrity (though adverse to many opinions of English jurists), who wrote, besides his great work upon international law, a special treatise upon privateering, "*Essai concernant les Armateurs*." He says, Section 11, "At present all the Powers of Europe agree in these three points:—

"1. That whoever wishes to fit out a privateer must provide himself with the letters of marque, or with a commission from one of the belligerent Powers, for want of which he may be treated and punished as a pirate, as well by those on whom he commits violence as also by his own Sovereign."

"2. That a lawful privateer has in strictness a right to demand his prize to be adjudged to him, inasmuch as it is lawfully made; but also (3) that he can in no way regard it as his property till it has been adjudged to him by a competent tribunal." And at section 13 he says, "There is nothing that prevents the granting of letters of marque, even to the subjects of neutral or allied Powers who are able to solicit them; but since it is contrary to neutrality to suffer neutral subjects to contribute by their means to the reinforcement of one of the belligerent Powers, and to the annoyance of the other, States generally prohibit their subjects from taking letters of marque from a foreign Power without the permission

* Wheaton, by Lawrence, vol. i, p. 255.

of their Sovereigns ; and many Treaties oblige them also to prohibit their subjects from doing it as well as to forbid every species of armament on the enemy's account in their ports. However, the enemy is not justified in punishing them as pirates, when they have Letters Patent (Commissions) from one of the Powers with whom it is at war, although their ships may be confiscated."

To pass from the topic of authorities to that of Treaties.

The object for which the Treaty between England and the United States of America, and that of the United States with Mexico, was cited by Her Majesty's Government seems to have been misunderstood by the Spanish Minister. The object was to prove that when the particular composition of the privateer's crew was to be treated as imparting to the vessel the character of a pirate, it was necessary to make it the subject of this specific Convention between the nations by whom it was to be so considered ; and that accordingly this was done in the Treaties referred to, which if the doctrine had been universally recognized by international law would have been unnecessary.

Then as to the practice. It is no longer asserted that England assented by tacit acquiescence to this doctrine when propounded by the French Admiral in 1839, because the evidence that England then promptly and formally protested against the application of this doctrine to Her Majesty's subjects cannot be gainsaid.

The conclusion therefore to which these premises lead Her Majesty's Government is :—

1. That no infringement ("atentatorio") of the sovereign rights of Spain is intended or attempted by Her Majesty's Government.

2. That the proposition for which the Spanish Government contend is opposed to the authority of jurists, considered *numero vel pondere*.

3. That it is a part of the Municipal Law of Spain applicable to the subjects of that kingdom only, by virtue of its own legislation.

4. That wherever it has been extended to the subjects of other States it has been necessary to embody it in the specific provisions of Treaties entered into for limited periods.

5. That it is not competent to Spain in this war with Chile to alter the law of nations, and treat any duly commissioned privateers as pirates to the injury of the subjects of neutral States, who, if found on board commissioned ships of either belligerent, are liable to be treated as prisoners of war, as serving under the Government which issued the commission, but not as robbers upon the high seas.

You will give a copy of this despatch to Señor Bermudez de Castro.

I am, &c.
(Signed) CLARENDON.

No. 166.

Mr. Thomson to the Earl of Clarendon.—(Received March 30.)

(Extract.)

Santiago, February 3, 1866.

DURING a conversation with the Minister for Foreign Affairs, in alluding to the instruction which his Government had sent to the Chilean Ministers in London and Paris (referred to in my despatch of the 16th of January), to treat for peace under the auspices of England and France, he said that he greatly feared they would be unable to carry out satisfactorily the instruction given to them, and that he would greatly prefer, if it were possible, that the negotiations for the re-establishment of peace should be held in Chile instead of in Europe. His reasons for desiring this were, that in Europe the negotiation would be carried on without regard to the actual position of the belligerent parties, and that as, at any hour, a blow might be struck giving a signal advantage to one or other of the parties, the one reaping the advantage could not fail to be dissatisfied with a Treaty based upon the situation of affairs before that blow had been struck. If, however, the negotiations were to be carried on in this country, all that was necessary would be, that ample powers should be given to the Spanish negotiator.

He felt certain, he said, not only that the terms required by Chile would be considered moderate, but that he also had reason to believe that those of Peru would be of such a nature as not to present any great difficulty in their adjustment.

Mr. Thomson to the Earl of Clarendon.—(Received March 30.)

My Lord,

Santiago, February 3, 1866.

AT the request of Admiral Denman who came up here to confer with me on matters connected with the blockade, I made with him a visit last night to the President of the Republic.

His Excellency received us quite alone, and we availed ourselves of this opportunity to impress upon him the evils to which the unfortified towns on the coast of Chile, and more particularly the city of Valparaiso, would be subjected, if, as was reported, the Chilean Government had prepared torpedos to be employed against the Spanish ships of war at those ports.

The President did not deny that such engines had been prepared, and although he endeavoured to combat the argument that the employment of secret machines, such as torpedos, gave a perfect right to the enemy to bombard places otherwise entirely defenceless, the impression left on my mind was, that he was aware of the soundness of our arguments, and convinced of the almost certainty that the employment of them by Chile would be followed by bombardment on the part of the Spaniards.

I have, &c.

(Signed)

WM. TAYLOUR THOMSON.

No. 168.

Mr. Thomson to the Earl of Clarendon.—(Received March 30.)

(Extract.)

Santiago, February 12, 1866.

I HAVE the honour to acquaint your Lordship that the Commander of the Spanish force at the port of Caldera, on raising the blockade there, set fire to the prizes in his possession, consisting of the following vessels:—"Constancia," "Jenny Lind," "Paquete de Tongoy," "Magdalena," "Valenzuda Castillo," "Cornelia," "Maria Susana." The three first Mr. Vice-Consul Murray believes to be the property of British subjects.

No. 169.

Mr. Thomson to the Earl of Clarendon.—(Received March 30.)

My Lord,

Santiago, February 14, 1866.

IN continuation of my despatch of the 3rd instant on the subject of the employment by the Chilean Government of torpedos, I have the honour to transmit to your Lordship a copy of a letter addressed to me by Rear-Admiral Harvey, communicating an official notification made to him by the Spanish Commander-in-chief that he would at once, and without notice, fire upon the city of Valparaiso if any torpedos were exploded near the ships of his squadron, or any attempt made to do so.

A considerable time ago Mr. Vice-Consul Murray reported to me that a torpedo had been constructed at Copiapo, with the object of employing it against one of the blockading ships in the harbour of Caldera. I took occasion, though I did not think an attempt would be made to use it, to mention at the Foreign Office that the employment of such an engine would completely divest the place from which it was used of the character of a defenceless place.

On receiving Rear-Admiral Harvey's communication however, a more formal notice to the Chilean Government appeared to me necessary. I therefore addressed to the Minister for Foreign Affairs the note of which Inclosure No. 2 is a copy.

I have, &c.

(Signed)

WM. TAYLOUR THOMSON.

Inclosure 1 in No. 169.

Rear-Admiral Harvey to Mr. Thomson.

Sir,

"Leander," at Valparaiso, February 13, 1866.

I HAVE the honour to inform you that Commodore Don Casto Mendez Nuñez has this afternoon informed me officially that in the event of any torpedo exploding near the ships of Her Catholic Majesty, or in case of any attempts of that nature being made on them in this bay, that he shall at once, and without notice, fire on the city of Valparaiso.

I have, &c.

(Signed) THOS. HARVEY.

Inclosure 2 in No. 169.

Mr. Thomson to Señor Covarrubias.

Sir,

Santiago, February 14, 1866.

ON several occasions I have considered it my duty, when British interests are so deeply involved, to express to the Chilean Government my opinion with regard to the employment of torpedos in the present war, and with reference to the rumoured intention of the Chilean authorities to make use of them in the harbours and roadsteads of unfortified and otherwise defenceless places and towns on the coast of Chile, and I took the liberty of pointing out the right to which the employment of insidious engines of this nature at such places would confer upon the enemy to employ in retaliation whatever measures he might deem fit.

This morning having received a communication from Rear-Admiral Harvey, in the absence of Admiral Denman, Commander-in-chief of Her Britannic Majesty's naval forces in the Pacific, informing me that the Spanish Acting Commander-in-chief had officially notified to him yesterday that in the event of any torpedo exploding near the ships of Her Catholic Majesty, or in case of any attempt of that nature being made on them in the Bay of Valparaiso, he should at once, and without notice, fire upon the city. I therefore hasten to bring this information to your Excellency's notice, and, as the Chilean Government are well aware of the vast amount of British property which, in the event of Valparaiso being subjected to a bombardment would be utterly destroyed, I feel assured that you will excuse my urging on the Chilean Government the expediency of their issuing orders for the removal of the torpedos, if, as is commonly reported and believed, such engines are really in Valparaiso; and if this should not be the case, your Excellency may probably be of opinion that their non-existence in the unfortified places on the coast should be made public.

I take, &c.

(Signed) WM. TAYLOUR THOMSON.

No. 170.

Mr. Thomson to the Earl of Clarendon.—(Received March 30.)

(Extract.)

Santiago, February 15, 1866.

BY invitation, my French colleague and I had an interview yesterday afternoon with the Chilean Minister for Foreign Affairs, to learn the reply given by the Peruvian Government with regard to the proposed armistice with Spain.

I regret to be obliged to inform your Lordship that Peru declines entering into such an arrangement at the present time, for two reasons:—

1. That she does not consider it advisable to enter into a Convention of that nature without previously knowing the basis on which it may be proposed to re-establish peace.

2. Because Peru has not yet been invited by the mediating Powers to seek a pacific solution of its differences with Spain.

Under these circumstances the Chilean Minister said that it was quite impossible for his Government to take any step at present with respect to the proposed armistice.

He stated that the refusal of Peru to enter into an armistice was not an absolute or formal refusal; and that as he had reason to expect that either General Medina or Señor Quimper would arrive here as Minister Plenipotentiary from Peru by the mail-steamer due

at Valparaiso on the 27th of this month, it was possible that, as by that time the Peruvian Government would be in possession of the terms of the propositions made by England and France to Chile, the present views of the Peruvian Government with respect to the armistice may by that time have become modified.

He inquired if the spirit of our instructions would admit of our entering into negotiations with Peru. I replied that it did not; but that I considered myself authorized, under the circumstances, to invite Peru as well as Chile to enter immediately into an armistice as the only means by which further complications and difficulties could be avoided and time be afforded to open peace negotiations. M. Flory expressed himself in the same sense, and although we continued to urge the necessity and expediency of an immediate armistice in the interests of Chile itself, our endeavours were fruitless.

No. 171.

Lieutenant-Colonel Neale to the Earl of Clarendon.—(Received March 30.)

(Extract.)

Quito, February 17, 1866.

WITH reference to my despatch of the 31st January, informing your Lordship that the Equatorian Government were about to enter into an offensive and defensive alliance with the Republics of Chile and Peru in their war with Spain, I have now the honour to transmit translations of three official documents published in the Government Gazette here, consequent upon the adoption of the projected alliance.

Inclosure in No. 171.

Extract from the Quito "Government Gazette."

Convention of Alliance, Offensive and Defensive, entered into between the Equator, Chile, and Peru.

(Translation.)

DEFINITIVE PROTOCOL.

IN the city of Quito, capital of the Republic of the Equator, on the 30th day of the month of January, in the year of our Lord 1866, assembled upon the invitation of his Excellency, Señor Doctor Manuel Bustamante, Minister of Foreign Affairs of this Republic, in his public office, his Excellency Don Luis Quinoñes, Envoy Extraordinary and Minister Plenipotentiary of Peru, and the Honourable Don José Nicolas Hurtado, Chargé d'Affaires of Chile, with the important object of effecting the union and alliance of their respective Governments in the war with Spain.

His Excellency Señor Bustamante, furnished with full authority and sufficient instructions, declared as follows:—

That the Government and people of the Equator considered the Chilean cause to be eminently American: that community of interests did not permit that Chile should find itself in the contest without the support of its sisters, the other Republics of the Continent: that considering the unjust aggression of Spain against Chile, a threat against the honour, dignity, and rights of that Republic, and others of South America, it becomes the duty of all of them to unite their forces and resources to defend its sovereignty and political independence.

And finally, he proclaimed in the name of his Government and the Equatorian people, the union and alliance of the Republics of the Equator, Peru, and Chile.

Corresponding to the noble, patriotic, and American sentiments of his Excellency the Minister Bustamante, his Excellency the Minister of Peru and the Honourable Chargé d'Affaires of Chile expressed theirs in the same sense.

In consequence of all which thus set forth, their Excellencies the Ministers and the Honourable Chargé d'Affaires agreed definitively that, from this date, the Republic of Equator form an offensive and defensive alliance with the Governments of Chile and Peru, and forthwith make common cause with those Republics in the war which they are at present engaged in against Spain.

Finally, they agreed to give to this Protocol a permanent and definitive character, in order that its effects might at once be realized.

In faith whereof the Ministers signed and sealed, with their respective seals, three copies of the same tenor, and with one sole object, in presence of the undersigned Chief

Assistant in the Office of Foreign Relations, the Secretary of Legation of Peru, and the Attaché to the Legation of Chile.

(L.S.)	(Signed)	MANUEL BUSTAMANTE.
(L.S.)	(Signed)	J. L. QUINONES.
(L.S.)	(Signed)	J. NICOLAS HURTADO.

(Signed) JUAN LEON MERA, *Chief Assistant of the Office of Foreign Affairs.*

JOSE MANUEL SUAREZ, *Secretary of Legation of Peru.*
EUSEBIO LARRAIN, *Attaché to the Legation of Chile.*

Ministry of Foreign Affairs, Quito, February 7, 1866.

THE Undersigned, Minister for Foreign Affairs of the Equator, addresses himself to the Honourable the Chargé d'Affaires of Her Catholic Majesty, for the purpose of bringing to his knowledge that in this capital, and under date the 30th of last month, he signed with his Excellency the Envoy Extraordinary and Minister Plenipotentiary of Peru, and with the Honourable the Chargé d'Affaires of Chile, a solemn engagement of Alliance, offensive and defensive, in the war in which both Republics are at present engaged in with the Government of Spain, and in consequence (the Equator) has assumed a belligerent character, by virtue of the weighty reasons which have brought this Government to adopt this step.

The Undersigned, &c. (Signed) MANUEL BUSTAMANTE.

*Republic of the Equator; Ministry of State for the Interior,
Quito, February 17, 1866.*

(Translation.)

To the Governor of the Province of Guayaquil.

THE Equator having declared itself a belligerent in favour of the Republics of Chile and Peru, by virtue of an engagement of alliance, offensive and defensive, which has been signed by reason of the war in which they are engaged with the Government of Spain:

The vessels of the Spanish squadron which blockade the Chilean ports cannot touch at those of this Republic for the purpose of providing themselves with provisions, coal, nor with water, nor to repair damages. By virtue of the above, and by orders of the President of the State, I have to make known to you that in case of such event arising, you will comply with these instructions with the utmost strictness within the province under your dependency.

God preserve, &c.

(Signed) MANUEL BUSTAMANTE.

N.B.—A similar despatch was sent to the provinces of Manabi and Esmeraldas.

No. 172.

Mr. Barton to the Earl of Clarendon.—(Received March 30.)

(Extract.)

Lima, February 27, 1866.

I HAVE the honour to transmit herewith to your Lordship translation of the instructions issued by the Secretary of War and Marine to the commanders of Peruvian vessels of war and of privateers, during the war with Spain.

The Republics of the Equator and Bolivia have joined the alliance entered into between Chile and Peru against Spain.

Inclosure in No. 172.

Instructions for the Guidance of the Commanders of Vessels of War and Privateers of Peru during the War with Spain.

(Translation.)

PERU being in a state of war with Spain, I transmit to you the orders of his Excellency the Supreme Chief in regard to the new duties which that situation has created for our marine, and for those who serve the Republic as privateers, independently of the concourse they lend to the military operations in conformity with the special orders that opportunely the Commanders of our vessels will receive.

1. You will pursue and take all Spanish vessels, be they of war, privateers, or merchant, as equally their cargoes, either on the high sea or in waters or ports of the Republic, or in waters or ports of the enemy.

2. It is prohibited to exercise any act of hostility in the ports or territorial waters of neutral nations, understanding those to be within gun-shot at low water.

3. When the cargoes referred to in the first article consist of neutral property, only those can be seized which consist of contraband of war destined for the enemy.

Should one part of the cargo of neutral property in a Spanish vessel be contraband of war, and the other not, only the former is seizable.

4. You will seize all cargoes which, although they be found on board neutral vessels, are contraband of war, but it is to be understood that the part of the cargo which is of lawful commerce is not seizable, even though it may be the property of Spanish subjects.

5. The following articles are contraband of war: guns, mortars, muskets, pistols, and all kinds of fire and side-arms, and all classes of projectiles, gun carriages, quick matches, fulminators, matches, powder, saltpetre, sulphur, military clothing, saddles and bridles, camp tents, and all those instruments manufactured for war. Equally so are coal destined for the vessels of war of the enemy or his privateers, coined gold and silver, and all provisions destined for the enemy, as is also the correspondence destined for the same.

This catalogue will be increased in case the war extends on shore.

Likewise are contraband of war, if destined for the enemy, land and sea troops, and, in general, all those individuals having a military character. Added to which, the vessel which carries the contraband referred to in the last sentence, and what in general comes under the head of material of war, will be detained and seized.

6. Only the vessel which furnishes full proof of this character will be considered neutral; and those will be considered as enemies found without their register, bill of lading, authentic *rol*, and dispatched in due form, except in case of the loss of any of these papers, proved to be by accident, and worthy of credit.

Also will be considered as enemies, and may be seized, the vessel that hoists any other flag than her national one, and that, on being detained, throws her papers overboard, and he who resists or endeavours to escape.

7. The declaration of being a legal prize will be made by the competent tribunals, which are those established according to the laws of the Republic. In case of not being able to take the prize before the tribunals, either from the distance or any other cause, the trial will be proceeded in by the following tribunals, which, acting on the right of retortion, is established during the present war:—

In each vessel of war of the Republic a Prize Court is to be established, consisting of the Commander, who will be the President, the second in command, and the First Lieutenant. This tribunal will try, and resolve the question *ad referendum*, preserving the documents for presentation, at a proper time, to the nearest ordinary Prize Court. The resolution of that special tribunal may nevertheless execute, verifying the sale of the vessel and cargo taken, under the responsibility of the Government of the Republic.

8. If the capture be made by a privateer, and it not being easy to find a Prize Court or a vessel of war to condemn the prize, the Commander will proceed to a Diplomatic Agent of Peru or of its ally, who, on examination of the documents presented to him, will class the prize, giving the captain of the privateer a certified copy of the proceedings in the Legation, and of the respective Resolution. The documents, which the special tribunal or the Diplomatic Agent retains, shall be kept in a case, waxed and sealed.

Should the privateer from extraordinary circumstances not be able to fulfil either of the foregoing processes, he will act according to those circumstances, consulting the security of the prize and also of the documents, to present this at a proper opportunity to the respective tribunal.

In case of necessity, the Commanders of the vessels of war or of privateers will destroy the prize in preference to allowing it to escape or fall into the power of the enemy.

9. To carry out the duties these instructions impose, it will be necessary to exercise the right of visit, which shall be done in the following manner:—

To search and visit a merchant-vessel, the Commander of the vessel of war or privateer will hoist the national flag, firing a blank cartridge, to which intimation the merchant-vessel should stop to await the search, showing its colours. Not doing so, proceedings shall be taken to oblige her to do so. If she stops and shows her flag, keeping at a convenient distance, the visit shall be made in a boat, whose officer will proceed on board the vessel accompanied by two or three men, confining himself to ascertain, in conformity

with the papers existing on board, the nationality and character of the vessel and cargo, and to find out if she is engaged in lawful trade.

10. If on examination the vessel proves to be neutral, and the cargo, although belonging to the enemy, does not consist of articles of contraband of war, she will be left at liberty; but if she is bound to the enemy's port, or occupied by the enemy, her cargo will be scrupulously examined, detaining what may be contraband of war.

11. You will not visit vessels under convoy of a vessel of war of ally or neutral, limiting yourself to require from the Commander of the convoy a list of the vessels under his protection, with a written declaration that they do not belong to the enemy, and are not carrying on illicit trade. Should there be motives to suspect that the good faith of the Commander of the convoy has been imposed upon, you will communicate the same to the Commander, that he alone may visit the suspected vessels.

12. The Commanders of Peruvian vessels of war, in conformity with the special instructions they will receive from this Office, can seize, and even convey, simply under the head of detention, to the ports of the Republic, or of its allies, neutral vessels whose approximation to the enemy is not convenient from the nature of their cargoes, or for any other serious motive, or even to make use of them.

This measure should only be adopted in case of very urgent necessity, and with the greatest prudence.

13. On the seizure of any vessel the visiting officer will possess himself of all the papers under inventory, giving a receipt for the same to the master of the detained vessel, advising him not to keep back any, as only those he delivers up will be allowed as evidence on the trial.

He will then shut up and seal the said papers to be delivered to the corresponding Tribunal. The captain of any vessel of war or privateer, or any individual of the crew, who destroys or extracts any of the said papers will be punished according to law.

14. The captor will nail down and seal the hatches, and retain the keys, and will take charge of all other articles under inventory, to hand them over to the officer who takes charge of the prize.

15. The captor will take a sworn declaration of the officers and crew of the vessel detained relative to the place from whence she came, her voyage, destination, and other circumstances, attaching the same to the verbal process to be presented on the trial.

16. To the officer placed in command of the prize all the above information shall be given, making him responsible for that which may be wanting by his fault or omission and he who causes to be opened the sealed hatches, documents, &c., in which are found merchandize, &c., shall not only lose the part which would be coming to him in case of its being a good prize, but will suffer the respective punishment.

17. For the condemnation of the vessel only the papers that were delivered up on board will be admitted; and if in fault of those necessary to give judgment, and the captain offers to prove that they have been lost by accident, the Tribunal will assign a competent time in conformity with the promptness that should finish the case.

18. When the masters of neutral vessels declare on good faith that they have contraband of war on board its transshipment will be at once effected, without interrupting the voyage or detaining the vessel for a longer time than is absolutely necessary.

19. Always when it results from the visit that the vessel is not seizable or detainable, and that the cargo is not contraband of war, the Commander will give a certificate to that effect, keeping a copy of the same.

20. All vessels of war or privateers which retake a national vessel within twenty-four hours of her capture will receive as a gratification half the value of the prize, the remaining half being for the benefit of the owner; but should this happen after the expiration of the twenty-four hours, the recapturer will be entitled to the whole value.

21. The Government reserves no interest in the prizes, leaving the whole for the captor.

22. The Government will grant premiums to those who take important communications from the enemy, officers of rank, or an enemy's transport, with clothing, munitions, or articles of war, or any articles in general that may cause injury to the enemy.

In case of capturing a vessel of war, besides the premiums and military distinctions that may be given, the half of the value of vessel will be ceded, priced by three appraisers to be named by the Supreme Court, valuing the prize in the state she was when taken; the said half to be divided amongst the captain, officers, and crew proportionally.

23. All vessels of war and privateer are prohibited from the ransom of any

individuals made prisoners, except in case of its being absolutely proved that their removal was necessary.

24. The prize vessels and their cargoes are free of all duties and fiscal contributions.

25. The commanders, officers, and crews of privateers are under the protection and the laws of the Republic, and will enjoy, even although they be foreigners, all the rights appertaining to the Peruvian citizenship, in conformity with the Supreme Decree of the 24th of January last past.

(Signed) JOSE GALVEZ.

Lima, February 10, 1866.

Mariano Ygnacio Prado, Provisional Supreme Chief of the Republic, considering:—

That in the actual state of war in which the Republic finds itself with the Government of Spain, it is necessary to determine the conditions of certain articles which being of lawful commerce may be considered according to circumstances as contraband of war;

I decree:—

Sole Article. Coal and provisions will be considered contraband of war when one or other are destined for the use of Spanish ships of war.

The Secretary of State in the Foreign Office is ordered to fulfil this Decree.

Lima, February 9, 1866.

(Signed) MARIANO Y. PRADO.
T. PACHECO.

No. 173.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, March 31, 1866.

I HAVE received your despatch of the 14th ultimo inclosing a copy of a note which you addressed to the Chilean Government in regard to the employment of torpedos against the Spanish vessels of war blockading the city of Valparaiso, and I have to acquaint you that I approve your proceedings in this matter.

I am, &c.
(Signed) CLARENDON.

No. 174.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, March 31, 1866.

I HAVE received your despatch of the 15th ultimo reporting that, for the reasons therein stated, the Peruvian Government decline for the present to enter into the proposed armistice with Spain; and I have now to authorize you, in conjunction with your French colleague, to propose the good offices of England and France in behalf of Peru as well as Chile, pending communication with the French Government, which, in consequence of the West India mail having only arrived yesterday, there is not time to make previous to the departure of the present mail.

I am, &c.
(Signed) CLARENDON.

No. 175.

The Secretary to the Admiralty to Mr. Hammond.—(Received March 31.)

Sir,

Admiralty, March 31, 1866.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Clarendon, a copy of a letter from Rear-Admiral Denman, dated the 16th February, respecting proceedings in Chile, and the blockade of Valparaiso by the Spanish squadron.

I am, &c.
(Signed) W. G. ROMAINE.

Inclosure in No. 175.

Rear-Admiral Denman to the Secretary to the Admiralty.

(Extract.)

"Sutlej," Valparaiso, February 16, 1866.

IN continuation of my letters dated the 2nd instant, the first from Valparaiso, and the second from Santiago, I beg to inform you that on the 13th February the Spanish Commodore officially stated that in the event of any torpedo exploding near his squadron, or any attempt of the kind being made in this bay, he should at once, and without notice, fire on the city of Valparaiso.

I am endeavouring to ascertain the facts relative to the existence of torpedos in this port, and have urgently called the attention of the authorities to the consequences that will follow preparations of such a nature in a port claiming immunity from attack, as being purely commercial.

I very much regret to find that a torpedo had been shipped at Panama, by the Pacific Steam Navigation Company's vessel "Limeña," on her last voyage, but the nature of the package being discovered, it was landed at Callao; as far as I can ascertain, I have reason to apprehend that no measures were taken to prevent its falling into the hands of the Peruvian Government. I have written to Callao, requiring the fullest possible report on this subject from Commander Ward, and at the same time have written to the authorities of the Company, calling upon them to use every possible precaution for the future, and I have also caused the Captain of the "Limeña" to write the fullest account of what he knows of the transaction, and his expression of deep regret at the occurrence, which I have forwarded to Commodore Nuñez.

No. 176.

The Earl of Clarendon to Earl Cowley.

My Lord,

Foreign Office, April 3, 1866.

I HAVE transmitted to your Excellency a copy of Mr. Thomson's despatch of the 15th of February last, reporting that for the reasons therein stated, the Peruvian Government decline for the present to agree to an armistice with Spain; one reason for such refusal being that Peru had not yet been invited by the mediating Powers to seek a pacific solution of its differences with Spain. As the time between the receipt of Mr. Thomson's despatch, namely, the 30th ultimo, and the departure of the next mail for Chile, did not admit of previous communication between Her Majesty's Government and that of His Imperial Majesty, and as the matter appeared to Her Majesty's Government to be one in which no time and no available opportunity should be lost in seeking to bring about a suspension of hostilities between the contending parties, I addressed the instruction of which a copy is inclosed to Mr. Thomson,* directing him, in conjunction with his French colleague, to propose the good offices of England and France in behalf of Peru as well as of Chile, pending a communication with the French Government on this subject.

I have now to instruct your Excellency to explain to M. Drouyn de Lhuys the circumstances under which Her Majesty's Chargé d'Affaires in Chile has already received instructions from his Government in the sense in question, and you will state to his Excellency that Her Majesty's Government do not doubt that corresponding instructions will be addressed to their Representative in Chile.

I am, &c.

(Signed) CLARENDON.

No. 177.

The Earl of Clarendon to Earl Cowley.

My Lord,

Foreign Office, April 4, 1866.

I HAVE transmitted to your Excellency a copy of a despatch from Her Majesty's Charge d'Affaires at Santiago, stating that for the reasons assigned the Chilean Government thought it better that any negotiations for the renewal of peace between Spain and Chile and Peru should be carried on at Santiago rather than in Europe.

I informed Sir John Crampton by telegraph, in a few words, of the wish of the Chilean Government, and of the grounds of it; but it appears from a telegram that

* No. 174.

I yesterday received from him, that the Spanish Government have entirely misunderstood the purport of that communication, and desire that the Governments of England and France should make an announcement at Madrid in accordance with the mistaken impression which they have received from what was said to them by Sir John Crampton. The Chilean Minister expressed no refusal either on the part of Chile or on that of Peru to accept the terms of the Memorandum to which Spain had agreed, and which had been recommended for the acceptance of the Chilean Government by the Governments of England and France; and the mere expression of a wish that any negotiations for peace should, for reasons stated, be carried on nearer the seat of war, by no means implied a rejection of the bases contained in the Memorandum of December last, in which Spain for herself, and England and France for themselves concurred, and which, when submitted to the Chilean Government by the Representatives of the two last-named Powers, were very far from being received with disfavour by the Chilean Government, though that Government having in the interval entered into alliance with Peru, not unnaturally declared that it could not proceed further in the matter without consultation with its new ally.

Her Majesty's Minister at Madrid will, therefore, be instructed to state to the Spanish Government that Her Majesty's Government cannot authorize him to declare that Chile and Peru have refused the terms of the Memorandum of December last, which were only made known to the Chilean Government about the 1st of February, and in regard to which, as far as Her Majesty's Government are aware, the opinion of the Peruvian Government was not known in Chile at the date of the last despatches from Her Majesty's Chargé d'Affaires in that country.

I have to instruct your Excellency to communicate to M. Drouyn de Lhuys the substance of Mr. Thomson's despatch, of Sir John Crampton's telegram, and of the observations that I have now made; and you will add that for the reasons assigned by the Chilean Minister to Mr. Thomson, and particularly with reference to distance and time, it appears to Her Majesty's Government desirable that such negotiations as the altered state of affairs may make necessary should be conducted at Santiago, and that if the Spanish Government think proper to send full powers to the naval commanders in Spain, the good offices of England and France might be useful in mediating between the negotiators.

If, however, Spain will not consent to this, and refuses to enter into any discussion with the Governments of Chile and Peru, and if these latter Governments refuse to agree to the terms which the Representatives of England and France have been instructed to propose, it seems to Her Majesty's Government that the only course which then will remain open for England and France to pursue will be to announce to all the parties the failure of their friendly endeavours to settle the differences between them.

I am, &c.

(Signed) CLARENDON.

No. 178.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, April 4, 1866.

IT would seem, from your telegram of yesterday, that the purport of the communication which you were instructed to make to the Spanish Government, of the substance of some observations made by the Chilean Minister to Her Majesty's Chargé d'Affaires at Santiago, had been misunderstood at Madrid. I therefore send you an extract of Mr. Thomson's despatch,* which will enable you to make the matter more clear to the Spanish Government; and with that view you will point out to Señor Bermudez de Castro that the Chilean Minister expressed no refusal, either on the part of Chile or on that of Peru, to accept the terms of the Memorandum to which Spain had agreed, and which had been recommended for the acceptance of the Chilean Government by the Governments of England and France.

You will further say, that the mere expression of a wish that any negotiations for peace should, for reasons stated, be carried on in South America rather than in Europe, by no means implied a rejection of the bases contained in the Memorandum of December last, in which Spain for herself, and England and France for themselves, concurred, and which, when submitted to the Chilean Government by the Representatives of the two last-named Powers, were very far from being received with disfavour by the Chilean Government, though that Government, having in the interval entered into alliance with Peru, not

* See No. 166.

unnaturally declared that it could not proceed further in the matter without consultation with its new ally.

You will add, that under these circumstances you are instructed to state to the Spanish Government that Her Majesty's Government cannot at present authorize you to declare that Chile and Peru have refused the terms of the Memorandum of December last, which were only made known to the Chilean Government about the 1st of February, and in regard to which, as far as Her Majesty's Government are aware, the opinion of the Peruvian Government was not known in Chile at the date of the last despatches from Her Majesty's Chargé d'Affaires in that country.

I am, &c.
(Signed) CLARENDON.

No. 179.

The Earl of Clarendon to Earl Cowley.

My Lord,

Foreign Office, April 4, 1866.

WITH reference to my previous despatch of this day's date, I transmit to your Excellency herewith for your information, under flying seal, a despatch which I have addressed to Sir John Crampton* in regard to the misunderstanding which would appear to have arisen at Madrid with reference to the desire expressed by Chile that any negotiations for peace should be carried on in Chile in preference to Europe.

Your Excellency will, however, not send on the despatch to Sir J. Crampton until after you have spoken to M. Drouyn de Lhuys on this subject.

I am, &c.
(Signed) CLARENDON.

No. 180.

Earl Cowley to the Earl of Clarendon.—(Received April 8.)

My Lord,

Paris, April 7, 1866.

I WAS not able to see M. Drouyn de Lhuys until late yesterday evening on the subject of the communication made by the Spanish Minister of Foreign Affairs to Sir John Crampton, and to which your Lordship's despatches of the 4th instant relate, that in consequence of the desire expressed by the Government of Chile to negotiate for peace at Santiago, the Spanish Government considered Chile to have refused the terms contained in the Memorandum presented by Great Britain and France, and that the Spanish Government expected that this refusal should be formally communicated to them by the British and French Governments.

M. Drouyn de Lhuys said that he had heard nothing on the subject from the Spanish Government, but that he entirely concurred in your Lordship's opinion that nothing had occurred that would justify the British and French Governments in making a declaration to the Spanish Government that the terms of the December Memorandum had been refused by Chile.

His Excellency also agreed in the view taken by Her Majesty's Government, that should the circumstances mentioned in the last paragraph of your Lordship's first despatch arise, the British and French Governments must withdraw from further intervention in this matter.

In pursuance of the instructions contained in your Lordship's further despatch, I have forwarded to Sir John Crampton the despatch to his address inclosed in it, informing him at the same time that M. Drouyn de Lhuys concurred in the opinions of Her Majesty's Government therein expressed.

I have, &c.
(Signed) COWLEY.

No. 181.

Earl Cowley to the Earl of Clarendon.—(Received April 8.)

My Lord,

Paris, April 7, 1866.

I HAVE explained to M. Drouyn de Lhuys, in compliance with the instructions contained in your Lordship's despatch of the 3rd instant, the necessity under which your Lordship had found yourself of instructing, without previous communication with the French Government, Her Majesty's Chargé d'Affaires at Chile to propose to include the Peruvian Government in the offer of the good offices of Great Britain and France, to effect a pacific solution of the differences existing between those Republics and Spain.

M. Drouyn de Lhuys has no objection to the course proposed by your Lordship.

I have, &c.

(Signed) COWLEY.

No. 182.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, April 9, 1866.

I TRANSMIT to you herewith, for your information, a copy of a despatch from Her Majesty's Chargé d'Affaires at Santiago,* reporting that on raising the blockade of the port of Caldera, the Commander-in-chief of the Spanish naval forces had set fire to certain prizes in his possession.

I referred Mr. Thomson's despatch to the proper Law Officer of the Crown, and have now to observe to you, that according to the principles and rules of international law it is competent to a belligerent captor to destroy prizes if the necessity of the case really compels him to do so. But the Government of the captor cannot by this act of their officer escape from their obligations to the neutral owner. He is entitled either to obtain immediate compensation for his loss, or to every facility for establishing his claim to compensation before a proper Prize Court; and it must be conceded to him that every defect of evidence which may ensue from the act of the captor must enure to his, and not to the owner's detriment.

You will read this despatch to M. Bermudez de Castro, and give him a copy if he should desire it.

I am, &c.

(Signed) CLARENDON.

No. 183.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, April 9, 1866.

I REFERRED to the proper Law Officers of the Crown your despatch of the 12th of February reporting that, on raising the blockade of the port of Caldera, the Spanish Commander-in-chief had set fire to certain prizes in his possession, and I have now to observe to you that according to the principle and rules of international law, it is competent to a belligerent captor to destroy prizes if the necessity of the case really compels him to do so. But the Government of the captor cannot by this act of their officer escape from their obligations to the neutral owner. He is entitled either to obtain immediate compensation for his loss, or to every facility for establishing his claim to compensation before a proper Prize Court; and it must be conceded to him that every defect of evidence which may ensue from the act of the captor must enure to his, and not to the owner's detriment.

It is a matter, of course, for the discretion of the owner whether, if he have reason to know that his vessel was on any account liable to be condemned as prize, he will undertake the trouble and expense necessarily incident to a trial, even if the captor should be condemned in costs and damages, which condemnation, moreover, would not be part of the sentence unless it were proved that there was no probable ground of seizure.

I am, &c.

(Signed) CLARENDON.

The Earl of Clarendon to Mr. Barton.

Sir,

Foreign Office, April 10, 1866.

I HAVE received your despatch of the 27th of February, inclosing a copy of the instructions issued by the Government of Peru for the guidance of the commanders of Peruvian men of war and privateers during the war with Spain. I referred those instructions to the proper Law Officers of the Crown, and I have now to observe to you that, generally speaking, Her Majesty's Government see nothing to object to in them. They are in most particulars more favourable to the neutral than the instructions which England was in the habit of issuing to her privateers. But with respect to the Article which constitutes what is termed an *ad referendum* prize tribunal of naval officers, I have to instruct you to apprise the Peruvian Government that Her Majesty's Government will expect that no British vessel or cargo shall be condemned as a prize without a proper trial in a proper Prize Court, before which the owners of the captured vessel or cargo may have ample opportunity of conducting their defence by professional advice. You will also state that Her Majesty's Government presume that the *ad referendum* trial alluded to in the Peruvian instructions has for its sole object to determine whether the prize shall be immediately released or sent in for trial before a proper Judge in a proper Court.

I am, &c.

(Signed) CLARENDON.

No. 185.

*The Earl of Clarendon to Sir J. Crampton.**

Sir,

Foreign Office, April 11, 1866.

I HAVE to acquaint you that Her Majesty's Acting Chargé d'Affaires at Lima has forwarded to me a copy of the instructions issued by the Government of Peru for the guidance of the commanders of Peruvian men-of-war and privateers during the war with Spain; and I now transmit to you, for your information, a copy of my reply to Mr. Barton.†

I am, &c.

(Signed) CLARENDON.

No. 186.

Mr. Thomson to the Earl of Clarendon.—(Received April 12.)

My Lord,

Santiago, February 12, 1866.

MY Prussian colleague called upon me this morning and said he had received the instruction of his Government to co-operate with me, and to give such aid as was in his power in bringing to a pacific termination the war between Spain and Chile, if he were invited by me to do so, and that as he had been informed by his Government that your Lordship would instruct me to the above effect, he had lost no time in coming to me to ascertain my views and to know in what manner he might be useful. I told M. Levenhagen that I had not received instructions from your Lordship to invite his co-operation, but to avail myself of such assistance as he might afford in inducing the Chilean Government to accept the mediation of England and France, and that therefore I was delighted to know that I should have the benefit of his good offices. That the Chilean Government had already accepted the mediation of England and France, but that the recently concluded offensive and defensive Treaty between Chile and Peru made it necessary that my French colleague and myself should receive fresh instructions from our Governments before we could take any further steps than that of inducing the belligerents to agree to the establishment of an armistice.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

* A similar despatch was addressed to Mr. Thomson.

† No. 184.

Mr. Thomson to the Earl of Clarendon.—(Received April 12.)

My Lord,

Santiago, February 20, 1866.

I HAVE the honour to transmit to your Lordship a translation of a note addressed to me by the Chilean Minister for Foreign Affairs, in reply to mine of the 14th instant, which formed inclosure to my despatch to your Lordship of the same date.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure in No. 187.

Señor Covarrubias to Mr. Thomson.

(Translation.)

Sir,

Santiago, February 19, 1866.

I HAVE the honour to reply to the note which you were pleased to address to me on the 14th instant, in which, after calling to recollection what you had previously stated to me verbally regarding the employment of torpedos in the present war between Chile and Spain, you announce to me that the British Rear-Admiral Harvey had communicated to you an official notification of the Acting Commander-in-chief of the Spanish squadron relative to the intention of the latter to fire, without previous notification, upon the city of Valparaiso in case any torpedo should explode near the ships under his command, or in case of any similar attempt. In consequence of this, and in consideration of the large amount of British property in Valparaiso, you think fit to point out to my Government the propriety of removing from that port the engines of war alluded to, should they really exist there, or if they do not, to make public their non-existence.

In the conversations respecting this matter which I have had with you, and replying to the opinion which you had individually formed, and which you now reiterate, regarding the subject, I did not hesitate to express to you that in the opinion of my Government the employment of torpedos was a perfectly legitimate mode of attack. It is also true that you did not try to combat this opinion, but you differed with me as to the natural deduction from it, namely, that the employment of such a legitimate mode of aggression cannot authorize reprisals which would imply the use of forbidden measures of attack, such as the bombardment of an unfortified city.

That which Brigadier Mendez Nuñez contemplates against Valparaiso, even if preceded by the necessary notification, would assume a savage and atrocious character, not for the purpose of destroying fortifications, of silencing the fire of artillery, of overcoming the resistance of a fortified place or of repelling an attack upon it, but only for that of destroying dwellings, stores of merchandize, and establishments of industry or of benevolence. The want of a previous notification, which is indispensable even in the bombardment of fortified towns, would render the bombardment of Valparaiso doubly atrocious and savage, for it would bring about evils infinitely greater than those above mentioned. To the ruination of property would be added in such a case the execrable sacrifice of women, children, old and sick people, persons against whom the violence of civilized warfare gives way.

My Government does not venture to suppose that the official representatives and protectors of the persons and interests of neutrals settled in Valparaiso would passively acquiesce in a bombardment which would be an act of mad barbarity. In so far as the Government is concerned, it will know how to suppress its feelings of compassion and clemency, and to vindicate, by severe measures of retaliation, the rights of civilized humanity and the laws of Christian warfare.

I shall not conclude without returning to you due thanks for the information which you have been pleased to communicate to me respecting this matter.

I take, &c.

(Signed) ALVARO COVARRUBIAS.

Mr. Thomson to the Earl of Clarendon.—(Received April 12.)

My Lord,

Santiago, February 27, 1866.

I HAD not intended to avail myself of the authorization contained in your Lordship's despatch of the 16th of December last, to extend the protection of Her Majesty's Government to the Spaniards detained here by the Chilean Government, until steps had been actually taken by the Chilean Government, by which their lives were threatened, or symptoms of popular commotion or excitement against them had occurred. But the language of the Chilean Minister for Foreign Affairs during an interview which I held with him on the 19th instant, determined me to make the necessary announcement without further delay.

We were discussing the employment of torpedos by the Chilean authorities against the Spanish ships of war in the port of Valparaiso. My argument was that the employment of such engines at that place would divest the town of the security which seemed to have been latterly conceded to it by the Spanish Commanders, on the ground of its being a defenceless place. The Minister, however, maintained that not only had his Government a perfect right to employ such engines whenever and wherever it thought fit, but that their employment from an unfortified place in no manner compromised the inviolability of that place.

He said his Government was determined to employ them at Valparaiso, and that if, in consequence of their doing so, the Spanish Commander-in-chief should execute his threat of firing upon that town, it would be an act of barbarity; that his Government was desirous of carrying on the war according to the practice of civilized and Christian nations, but that the moment the Spaniards committed any act of barbarity, such as firing upon an unfortified place, his Government had determined, and possessed the means, to retaliate barbarity with barbarity and acts of savageness by similar acts. One of the means he referred to clearly indicated the Spaniards detained here. I therefore observed that I differed entirely from him with regard to the principle of one country acting barbarously because another did so; and that with regard to the detained Spaniards, to whom he no doubt alluded, they could in no manner be considered answerable for any act, however atrocious, committed by the Spanish forces; that if the Chilean Government attempted retaliation upon those unfortunate persons its name would be tarnished for ever, and it would then be justly said that the moment the blockade was established the Chilean Government had seized persons peaceably domiciled in the Republic, with the deliberate intention of sacrificing their lives, without any crime having been committed by them.

On the one side, it being the declared intention of this Government to employ torpedos at Valparaiso, on the other, notice having been officially given, that when employed the town would be fired on, at any moment the menaces of both sides might be executed; and I accordingly addressed to the Chilean Government the note of which I have the honour to inclose a copy, announcing that the Spanish residents, who were not allowed to depart when the war broke out, are under British protection.

I considered it advisable that the Chilean Government should not reply to this communication until it had had time to consider the matter with coolness. I took it, therefore, unsealed to the Minister and read it to him in Spanish. He received it with the utmost unwillingness, and urged its withdrawal, or, at all events, that it should not be presented until I had first induced the Spanish Commander to revoke his menace; but I insisted that the protection extended to the Spaniards was a matter which stood on its own grounds alone, and accordingly left the note with him.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure in No. 188.

Mr. Thomson to Señor Covarrubias.

Sir,

Santiago, February 21, 1866.

THE assurances given to me by your Excellency in October last, with regard to the Spanish residents, who by edict of the Government were detained in Chile, when war was declared with Spain, and the generous and benevolent sentiments which you expressed at the several interviews which I then had the honour to hold with you, led me to indulge the hope that the Chilean Government would before long determine to allow such of them

as were desirous of leaving the country to do so. A long time, however, has passed without such a determination having been taken, and the conversation which I had the honour to hold with your Excellency on the 19th instant respecting them has filled my mind with apprehension as to the security of their lives. You stated that your Government was desirous of carrying on the present war according to the principles accepted by civilized and Christian nations, but that in the event of any act of atrocity being committed by the Spanish forces, the Chilean Government was determined to retort barbarity by barbarity, and acts of savageness by similar acts; and I then took the liberty to mention that the commission of evil by one party did not warrant a similar course being pursued by the other, but that even setting this aside, no act of violence committed by the Spanish forces could justify retaliation on the unfortunate men and their families who, contrary to their own wishes, were detained here when the war broke out, and can in no manner be held responsible for the acts of the Spanish Commander-in-chief or of his forces. But as the apprehension I have expressed may be realized at any moment, I consider it a duty no longer to defer (in expectation of the Chilean Government's cancelling their edict) making it known to the Chilean Government that the Spanish residents who were not allowed to depart from this country when the war broke out are under British protection, and that I am authorized by Her Majesty's Government to extend that protection to them.

I cannot for a moment allow myself to suppose that the Chilean Government can view the protection extended to those persons in any other light than as an act of pure humanity, and of the desire of Her Majesty's Government that on both sides, while this unfortunate war may last, it may be governed by those principles of civilized warfare by which the Chilean Government have hitherto so honourably distinguished themselves.

I avail, &c.

(Signed) WM. TAYLOUR THOMSON.

No. 189.

Mr. Thomson to the Earl of Clarendon.—(Received April 12.)

(Extract.)

Santiago, February 28, 1866.

I HAVE the honour to transmit to your Lordship a copy of a letter addressed to me on the 20th instant by Rear-Admiral Denman, expressing his opinion with regard to the employment of torpedos by the Chilean Government against Spanish ships of war in the port of Valparaiso, and a copy of my reply.

My own opinions on this matter nearly coincide with those expressed by Admiral Denman, and on frequent occasions I have made them known verbally to the Chilean Government as the expression of my individual opinion.

Admiral Denman has requested me to bring his views to the notice of the Government, and I have done so in the form of a memorandum, as, if presented in a more formal manner, I might be transgressing the limits permissible to the agent of a neutral Power, and being in ignorance of the manner in which Her Majesty's Government may view the employment of such engines.

Inclosure 1 in No. 189.

Rear-Admiral Denman to Mr. Thomson.

Sir,

"Sutlej," Valparaiso, February 20, 1866.

I HAVE the honour to acknowledge the receipt of your letter of the 20th instant, informing me that the Minister of Foreign Affairs of Chile has stated to you that it is the firm intention of his Government to employ torpedos as a means of attack against the Spanish ships of war, and that the Government considers itself perfectly justified in making use of them whenever it deems fit, whether from a fortified or unfortified place.

2. It is certain that the British and other foreign merchants resident at this unfortified and defenceless place are established here on the faith of a due consideration of their interests and safety on the part of the Chilean Government.

3. The usage of civilized nations has exempted cities of commerce from attack.

4. If, however, torpedos are manufactured here and employed against the Spanish squadron, the certain result must be the destruction of the city, with all the consequent calamities and horrors; evils which will have been produced distinctly by the act of

the Chilean Government, and against which no neutral Power could possibly render any aid.

5. Not only would Chile forfeit the sympathy of foreign Powers, but just claims would arise for all losses thus produced.

6. It appears to me that upon these considerations Chile is bound, as a civilized Power, to abstain from such measures; but looking only to the ground of expediency, all experience shows that such attempts, under the most favourable circumstances are exceedingly uncertain, and that the utmost amount of success that could be looked for by the most sanguine would be the destruction of one vessel, which would leave amply sufficient force to lay the town in ruins, and to justify the Spanish Commander in resorting to the severest measures of retaliation.

I request that, if you agree in these views, you will bring them before the notice of the Government.

I have, &c.
(Signed) J. G. DENMAN.

Inclosure 2 in No. 189.

Mr. Thomson to Rear-Admiral Denman.

Sir,

Santiago, February 28, 1866.

I HAVE the honour to acknowledge the receipt of your letter of the 20th instant, expressing your opinion with regard to the employment of torpedos by the Chilean authorities against the Spanish ships of war in the port of Valparaiso.

My own opinions are nearly those you have expressed, and they have frequently been brought by me to the notice of the Chilean Government; but as this is a matter pertaining to warfare, I have considered it desirable that the Chilean Government should be put in possession of the opinion of the highest British naval authority in the Pacific, and I have therefore communicated it to them in the form of a Memorandum, and in the Spanish language.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

No. 190.

Mr. Thomson to the Earl of Clarendon.—(Received April 12.)

My Lord,

Santiago, February 28, 1866.

ON the 14th instant the Spanish frigates "Villa de Madrid" and "Blanca" returned to Valparaiso from a lengthened cruize. In a few days it became known that the frigates had visited the Islands of Juan Fernandez and Mocha, and thence proceeding round the Island of Chiloe returned northward by the archipelago to a small island called Abtao, between Calbuco and Ancud. There they found the greater part of the allied squadron, the frigate "Apurimac" and corvettes "Union" and "America," belonging to Peru, and the gun-boat "Covadonga," recently captured by Chile.

An action ensued which is said to have lasted about two hours. A very heavy cannonade was kept up on both sides, and about 1,500 shots were exchanged. During the action the Spanish frigate "Blanca" is said to have been aground for nearly twenty minutes; and from shot none of the ships engaged appear to have suffered any serious damage. The loss of men on the part of the allied ships, as officially reported, is only two men killed and one wounded. On the Spanish side there is only conjecture.

On the return of the frigates to Valparaiso they were engaged up to the 17th in repairing some damages, when the Spanish Commander-in-chief shifted his flag from the "Numancia" to the "Berenguela," and the former, accompanied by the "Blanca," put to sea on a southerly course. It is generally supposed that they have returned to the Chiloean archipelago, in the hope of capturing the allied ships, which it would appear are still not in an efficient condition for active hostilities. But it is also rumoured that their object may be to intercept the Peruvian iron-clads, still expected from England; and although the Commander-in-chief's flag is hoisted on board the "Berenguela," it is believed that he commands the "Numancia" on this expedition.

The great number of shots fired with so little effect, at a distance, it is said, of only 500 metres, would prove that the Spanish artillery practice is very inefficient, and the want of success in this attack has naturally added to the spirit and hopes of the allies.

The Chilean and Peruvian ships can have no chance if brought to action by the "Numancia" and "Blanca;" but the navigation in the waters of Chiloe is so dangerous from shoals and currents, that the former, at all events, will run great risk if she should have proceeded there.

The Chilean Government lost no time in dispatching a small steamer to Ancud, announcing the departure of the two frigates, and this vessel, after staying two days in that port, has returned without having seen the Spanish ships on the way.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

No. 191.

Mr. Thomson to the Earl of Clarendon.—(Received April 12.)

My Lord,

Santiago, March 2, 1866.

I HAVE the honour to report to your Lordship that the Chilean Government is not yet in a position to enter, in conjunction with Peru, into the question of the establishment of an armistice. Señor Pardo, who has resided for many years in Chile, has been named Envoy Extraordinary and Minister Plenipotentiary of Peru at Santiago, with full powers. He will have an audience of the President to-morrow to deliver his credentials; and the Chilean Minister has informed me that immediately thereafter he will invite the Peruvian Minister, my French colleague, and myself to hold a conference with him at the Foreign Office on the subject of the proposed suspension of hostilities.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

P.S.—I also beg to report that the Ecuador has already joined the offensive and defensive alliance; and it is highly probable that news will reach this in a few days that Bolivia has done so also.

No. 192.

Mr. Thomson to the Earl of Clarendon.—(Received April 12.)

(Extract.)

Santiago, March 2, 1866.

I HAVE the honour to report to your Lordship that a few days ago the United States' Envoy here formally invited the Chilean Government to accept the invitation of the United States' Government in their differences with Spain.

The Chilean Government, I am informed, have replied that they could not entertain such a proposition, from the circumstance of their having accepted the mediation of England and France.

No. 193.

Mr. Thomson to the Earl of Clarendon.—(Received April 12.)

My Lord,

Santiago, March 2, 1866.

WITH reference to my despatch of the 27th ultimo, in which I transmitted to your Lordship a copy of a note which I had addressed to the Chilean Minister for Foreign Affairs, announcing that the Spanish residents who were not allowed to depart from this country when the war broke out are under British protection, I have now the honour to inclose a translation of the Chilean Minister's reply.

The late hour at which this communication has reached me does not admit of my making observations on the various points referred to in his Excellency's note, and which I defer until the next opportunity. But your Lordship will observe that the Chilean Minister has devoted a large portion of his note to the question of the employment or non-employment of torpedos from unfortified places; and on this point I beg leave to observe that, in submitting my opinions on this matter to the Chilean Minister, there was no pretension on my part to dictate to either of the belligerents in what manner their war is to be carried on, my object being simply to place before the Chilean Government the consequences which might ensue by employing torpedos from defenceless places, and thus

endeavour to prevent further complications from arising until I may receive your Lordship's fresh instructions, after the capture of the "Covadonga," and the offensive and defensive alliance with Chile and Peru, had become known.

It is evident how much more difficult a pacific arrangement would become in the event of the blowing up of the "Numancia," the bombardment of Valparaiso, or the massacre of the Spanish residents here having in the meantime occurred.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure in No. 193.

Señor Covarrubias to Mr. Thomson.

(Translation.)

Sir, *Santiago, February 27, 1866.*

I PROCEED to reply to the note which you did me the honour to address to me under date the 21st instant, in which you are pleased to call to recollection the conversation which we held on the 19th of the same month, relative to the Spaniards resident in Chile. That conversation has inspired you with apprehensions for the lives of those persons, and you believe that it is your duty no longer to defer making known to my Government that the Spanish subjects who were prohibited from leaving the country on the breaking out of the present war are under British protection, and that you are authorized by your Government to extend that protection to them.

I must declare to you at once that the Government of the Republic is not disposed to acknowledge the protection alluded to, if the exercise of it may have the slightest influence upon their own acts and resolutions. The faculty which in any case belongs to it (the Government) to refuse to a friendly Power the right of assuming the protection or officious representation of the citizens or subjects of a third Power who are under Chilean jurisdiction without official representatives, becomes in the present case a duty affecting its dignity and its caution.

The subjects of one belligerent established in the territories of the other are subjected to conditions entirely exceptional, arising from the state of warfare. The strictness of those conditions should be augmented when the subjects in question, as happens with the Spaniards resident in Chile, have contributed to excite the war by their odious and imprudent conduct. The Government, under whose jurisdiction they are, has a right to place them under those restrictions which may deprive them of many liberties and privileges which they enjoyed previous to the war. It has a right to take, as regards them, proceedings entirely discretionary, whenever the security of the State may so require.

The protection which, under such circumstances, might be extended by Great Britain to the Spanish subjects established in Chile, would either be entirely delusive, if it respected the motives of my Government's conduct, or by entering upon a discussion of those motives it would degenerate into an intervention the more hostile to this country, inasmuch as it proceeded from a powerful nation whose moral partiality alone would be an effective assistance to Spain.

Such a policy would change the character of the friendly relations which so happily exist between Chile and Great Britain, and my Government, by endeavouring to avoid the occurrence of so disagreeable an event, fulfils a duty of precaution, as I have before said, and believes that it is giving to the British Government a further proof of its solicitude to maintain those much valued relations unaltered.

Anticipating this just observation, you inform me that the protection referred to is an act of pure humanity, and a consequence of the desire of your Government that the present war while it lasts should be governed on both sides by the principles of civilized warfare.

It is agreeable to me to acknowledge the sincerity of the noble intentions which actuate Her Britannic Majesty's Government, but I think at the same time they have chosen the most indirect way of carrying them out.

From the time that an aggression as unforeseen as inexcusable kindled this war, neutrals have had in the proceedings of the ships of the Spanish squadron abundant proofs of the unwillingness of Spain to submit herself to the laws of civilized warfare and her determined resolution to carry on a barbarous and atrocious war against Chile. Hostilities were scarcely declared when the late Admiral Pareja hinted to you yourself his intention to bombard Valparaiso, and subsequently the guns of the Spanish schooner "Vencedora" threw their projectiles upon groups of women, children, and unarmed men, who were on the shore in the neighbourhood of that port; a similar act was afterwards performed in

the port of Calderilla; and finally the Brigadier Mendez Nuñez has just declared that he would bombard Valparaiso without previous notification, if it was attempted to attack the vessels under his command with torpedos. Add to all this the communication of Admiral Pareja, approved by his Government, that he would treat as pirates the crews of the Chilean privateers which were not composed of the most part of citizens of the Republics, and the declaration of Mendez Nuñez respecting Chilean coal; that series of acts reveals the contempt of Spain for the most imprescriptible rules of the law of nations and the laws of civilized warfare.

In the meantime the full security which Spanish subjects enjoy in Chile as to their persons and property, the benevolent treatment of the Spanish prisoners of war, the feelings with which the Government of the Republic showed itself animated on receiving the intelligence of the death of Admiral Pareja, the protection and consideration which they have never ceased to extend to neutral interests, and many other acts of the Government, are undeniable proofs of the civilized, temperate, and generous spirit with which Chile desires to carry on the present war.

In your note which I have before me, you yourself do not hesitate to acknowledge how honourably Chile has up to this time distinguished herself for her adhesion to the principles of civilized warfare.

In order that these principles should be respected during the present contest, it was not necessary for the Government of Her Britannic Majesty to address itself to that of the Republic, which has proved that it knows how and wishes to respect them, but to that of Spain or her Agents, who are very far from having given similar proofs.

I have therefore already said that my Government fulfils a duty of dignity in denying its acquiescence to the exercise of a protection which involves suspicions and fears destitute of foundation.

But you call to mind that at our interview on the 19th I stated that, in case any atrocious act should be committed by the Spanish forces, my Government was resolved to retaliate cruelty by cruelty, and acts of barbarity by similar acts.

What I then said to you, if my memory serves me, was that the Government of the Republic was, as it now is, firmly determined to take the severest measures of retaliation in case of a bombardment of Valparaiso by the enemy's squadron. But however rigorous those retaliations might be, they could never merit the name of acts of cruelty or barbarity, as they would only be resorted to with the humane object of curbing the enemy's conduct, and to make use of the perfect right which the international laws concede. As you appear to doubt this right, allow me to call to your recollection the opinion of an eminent publicist, whose death all who live in this country have just had occasion to lament, and whose doctrines are always based upon the principles most conformable to civilization, Christianity, and the humane tendencies which now predominate in the world.

Don Andres Bello, in his "Principles of International Law," part 2, cap. 3, sec. 2 (third edition), says, when speaking of excesses committed by a belligerent against the law of nations, "If such acts were habitual in the enemy's nation, all its individuals should then participate in the atonement, and punishment might fall indiscriminately upon any of them. Thus if we are at war with a ferocious people who give no quarter to the vanquished, and observe no rules, it is lawful to inflict a severe punishment on the persons of the prisoners who may be taken, because only by this rigorous measure can we provide for our own security, by compelling the enemy to alter his proceedings. If the hostile General is in the habit of killing the vanquished, or of committing other acts of atrocity, we may give notice that we will treat his people in the same manner, and if he does not alter his conduct it is justifiable to apply the law of retaliation. The frequency of these acts makes the subjects participators in the responsibility of the Chief."

Now, confining myself to the origin of this discussion, the bombardment of Valparaiso as a consequence of the employment of torpedos, and considering the memorandum which you were pleased to transmit to me on Saturday last, through the first officer of this Department, I must insist in the opinion which I have already had the honour to express to you.

The employment of artillery against an unfortified city is not lawful, unless because a besieger requires to destroy fortifications which may impede his assaulting it. So true is this proposition, that even in the bombardment of a fortified place the action of the artillery should not be directed against private dwellings, nor public edifices or monuments, which are not military works, and do not contribute to the defence of the place. On the contrary, the besiegers are obliged to respect them in so far as may be possible; and modern warfare presents more than one example of the loyalty with which this obligation has been fulfilled.

Valparaiso has no works or fortifications to oppose the disembarkation of an enemy's forces, which they might undertake without any other fear of resistance than that which the garrison of the town might offer. Consequently, Valparaiso cannot be bombarded; its buildings cannot be destroyed by artillery.

But you have been wont to object to this opinion, saying that if the employment of torpedos is resorted to, the city might be considered as defended by them, and would become like a fortified place that might be bombarded. To do away with this objection, it is sufficient to observe that the torpedos could not in any way prevent the disembarkation of the enemy, and that, therefore, they cannot be looked upon as a defence for Valparaiso.

Moreover, the supposition is inadmissible that an engine of war employed in the midst of the sea, and which may come from distant shores, and be directed perhaps by persons foreign to the inhabitants, and even to the garrison, can be considered an element of defence or aggression belonging to that city.

Neither does the nature of the torpedo change the aspect of the question; the attack made by it is not more difficult to repel than that of a monitor or any other iron-clad against a timber-built vessel, and whilst the monitor may destroy its adversary with impunity, this impunity cannot be counted upon by those employed to apply a torpedo. If at present when the "Numancia" has left Valparaiso, a monitor should present itself and attack the Spanish vessels, would these believe themselves, would you believe them, authorized to bombard that port?

Resting upon the foregoing considerations, my Government considers that the bombardment of Valparaiso in consequence of the use of torpedos against the Spanish squadron would be an act which the laws of civilized warfare and the dictates of humanity would condemn; and, at the same time, it would be an atrocious and barbarous act, which would put the Government under the deplorable necessity of appealing, in the exercise of an unquestionable right, to the most rigorous measures of retaliation.

As regards the character of those measures, I believe that I have not insinuated to you any intention which should have given rise to your fears for the lives of the Spanish residents in Chile.

Meanwhile, whatever may be the measures of retaliation which the Government of Chile adopts, they can never be more serious than those which in analogous cases, and not long ago, the most civilized nations of Europe did not hesitate to employ, and certainly would not have consented to submit to the examination of a third party. The Republic, on its part, is not disposed to consent to an examination and discussion which would wound its dignity, and diminish its rights as an independent and sovereign nation, for the integrity of which it now sustains, and will sustain to the last, an unequal war.

I take, &c.

(Signed) ALVARO COVARRUBIAS.

No. 194.

Lieutenant-Colonel Neale to the Earl of Clarendon.—(Received April 12.)

My Lord,

Quito, March 1, 1866.

I AM informed that the Spanish Chargé d'Affaires, who has withdrawn some time since to Guayaquil, has embarked for Spain, consequent upon the communication addressed to him by this Government announcing its alliance with Chile and Peru.

My colleague of France tells me that he has been requested by the Spanish Chargé d'Affaires to afford his protection to Spanish subjects residing within this Republic, and that he has undertaken to do so.

I have, &c.

(Signed) EDWD. ST. JOHN NEALE.

No. 195.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, April 13, 1866.

I HAVE received your despatch of the 27th of February, reporting a conversation which you had with the Chilean Minister for Foreign Affairs, and inclosing a copy of a note which you had addressed to him in regard to the protection which you intended to extend to those Spanish subjects who are detained in Chile by order of the Government;

and I have to convey to you my approval of the language which you held and of the note which you addressed to Señor Covarrubias upon this subject.

I am, &c.
(Signed) CLARENDON.

No. 196.

The Secretary to the Admiralty to Mr. Hammond.—(Received April 14.)

(Extract.)

Admiralty, April 13, 1866.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Earl of Clarendon, a copy of a letter dated the 3rd of March last from Rear-Admiral the Honourable J. Denman, with its inclosure, respecting the proposed use of torpedos against the Spanish squadron.

My Lords propose to inform Rear-Admiral Denman, by the mail of the 16th instant, that his intention of using the "Sutlej" and "Leander" to enforce a delay of twenty-four hours before the Spanish squadron should open fire on Valparaiso, in the event of the use of torpedos, seems not to be justified by any rule of international law, and is likely to lead to serious complications in our relations with Spain.

Inclosure 1 in No. 196.

Rear-Admiral Denman to the Secretary to the Admiralty.

(Extract.)

"Sutlej," Valparaiso, March 3, 1866.

I HAVE received from Her Majesty's Chargé d'Affaires at Santiago a formal notice that the Chilean Government intend to employ torpedos against the Spanish squadron, a copy of which I beg to inclose, together with my reply, which may, I trust, cause the subject to be re-considered.

The "Sutlej" and "Leander" are kept in readiness in case of a torpedo exploding at night-time, to request twenty-four hours shall be granted for the removal of British subjects before opening fire, and, if necessary, to enforce this delay.

I much regret that I do not consider I should be justified in preventing the threatened retaliation if Valparaiso should be thus recklessly exposed to such a calamity by the acts of the Chilean Government.

I trust, however, that the great difficulties in the use of torpedos which arise from the distance at which the Spanish ships lie, and from the depth of water in which they are anchored (not less than 35 fathoms) will prevent the Chileans from making any attempt of this sort, which will probably be as abortive as iniquitous.

The losses attending the destruction of the town would fall far more heavily upon British than upon native interests, and this, I believe, has led to the idea that the town will be protected by the British squadron at all hazards, and that, in any event, losses would fall principally upon foreigners.

Inclosure 2 in No. 196.

Mr. Thomson to Rear-Admiral Denman.

Sir,

Santiago, February 20, 1866.

I HAVE the honour to acquaint you that at an interview which I had yesterday with the Chilean Minister for Foreign Affairs, he informed me that it was the firm intention of his Government to employ torpedos as a means of attack against the Spanish ships of war, and that they considered themselves perfectly justified in making use of them wherever they might deem fit, whether from a fortified or unfortified point.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

Inclosure 3 in No. 196.

Rear-Admiral Denman to Mr. Thomson.

Sir,

"Sutlej," Valparaiso, February 21, 1866.

I HAVE the honour to acknowledge the receipt of your letter of the 20th instant, informing me that the Minister of Foreign Affairs of Chile has stated to you that it is the firm intention of his Government to employ torpedos as a means of attack against the Spanish ships of war, and that the Government considers itself perfectly justified in making use of them wherever they deem fit, whether from a fortified or unfortified place.

It is certain that the British and other foreign merchants resident at this unfortified and defenceless place are established here on the faith of a due consideration of their interests and safety on the part of the Chilean Government.

The usage of civilized nations has exempted cities of commerce from attack. If, however, torpedos are manufactured here and employed against the Spanish squadron, the certain result must be the destruction of the city, with all the consequent calamities and horrors: evils which will have been produced distinctly by the act of the Chilean Government, and against which no neutral Power could possibly render any aid.

Not only would Chile forfeit the sympathy of foreign Powers, but just claims would arise for all losses thus produced.

It appears to me that upon these considerations Chile is bound, as a civilized Power, to abstain from such measures; but looking only to the ground of expediency, all experience shows that such attempts, under the most favourable circumstances, are exceedingly uncertain, and that the utmost amount of success that could be looked for by the most sanguine would be the destruction of one vessel, which would leave amply sufficient force to lay the town in ruins, and to justify the Spanish Commander in resorting to the severest measures of retaliation.

I request that if you agree in these views you will bring them before the notice of the Government.

I have, &c.

(Signed) J. G. DENMAN.

No. 197.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, April 16, 1866.

I HAVE received your despatches of the 20th, 27th, and 28th of February, and 2nd of March, relative to the torpedos which it was reported were to be employed by the Chilean Government against the Spanish vessels blockading the city of Valparaiso.

I referred these despatches to the proper Law Officer of the Crown, together with your previous despatches on this subject of the 3rd and 14th of February, in the latter of which you stated that the Spanish Admiral had declared that in the event of torpedos being used against his squadron he would at once bombard the city; and I have now to acquaint you that, in the opinion of Her Majesty's Government, the course which Commodore Nuñez has declared he would pursue would, in the circumstances stated by you, be justifiable by international law.

Her Majesty's Government think it impossible to deny the belligerent right of Chile to employ torpedos against the Spanish squadron; and equally impossible to deny the belligerent right of Spain to bombard the town which those instruments are employed to protect.

In the opinion of Her Majesty's Government, however, it would be highly impolitic on the part of the Chilean Government to give cause to the Spanish Commodore to put his threat in execution.

I am, &c.

(Signed) CLARENDON.

Mr. Hammond to the Secretary to the Admiralty.

(Extract.)

Foreign Office, April 16, 1866.

I HAVE laid before the Earl of Clarendon your letter of the 13th instant, inclosing a copy of a despatch from Rear-Admiral Denman, and stating the nature of the instructions which the Board of Admiralty proposed to give to that officer in regard to the use of torpedos by the Chilean Government, and I am to request that you will acquaint the Lords Commissioners of the Admiralty that Lord Clarendon concurs in their proposed instructions.

Señor de Castro to M. de Molins.—(Communicated to the Earl of Clarendon by M. de Molins, April 17.)

(Translation.)

Sir,

Madrid, April 7, 1866.

AT an interview which Sir John Crampton had with me on the 2nd instant, he read to me a telegraphic despatch which he had received from Lord Clarendon, by which it appeared that the Chilean Government had declined to accept the good offices tendered by France and England, and accepted by Spain, for the amicable arrangement of the questions pending with that Republic.

On learning the contents of that telegram, I declared to the British Representative that the information which it communicated did not surprise me; although it could not but excite wonder that the Cabinet of Santiago should refuse to give the same proof as Her Majesty's Government of deference and consideration towards two friendly nations, when one of them in particular, by means of public demonstrations or by acts of official Agents, which its Government afterwards disapproved, had given the Republic proofs of sympathy which, by encouraging it, had perhaps contributed towards the war assuming an aggressive character, so contrary to that given to it by Spain, which restricted it, from the first, to a blockade, the moderation and slight severity of which have been acknowledged by foreign Governments.

I further told Sir John Crampton that I had already foreseen the attitude in which the Government of Chile had placed itself; and, as a proof of it I pointed out to him that the very day on which the good offices of the two above-named Powers were accepted on our side, I directed your Excellency to ascertain in a confidential manner what was the opinion of the Government where you were as to the line of conduct which Spain ought to follow, in case the Republic should refuse to imitate our example in receiving favourably the offers of the Cabinets of Paris and London.

It appeared fitting to me, after having pointed this out, to acquaint Sir John Crampton with the answer which your Excellency transmitted to me, as well as with that which I received from Her Majesty's Ambassador at Paris, to whom I had given similar directions.

I told him, therefore, that Lord Clarendon would not give any opinion on the point, because he could not admit the hypothesis on which the question was founded; and that M. Drouyn de Lhuys, while reserving to himself the right of estimating the concrete and definite acts of Her Majesty's Government, said that he was of opinion that Spain, on the occurrence of the supposed eventuality, would be justified in making use of her perfect liberty, and in employing that kind of hostilities which she should consider fitting.

I also thought it proper to remind the British Representative of some antecedents of the matter on which we were conferring, showing the loyalty and good faith with which we have always acted. I therefore explained to him that as soon as the news arrived in Europe, in the middle of November last, of the blockade of some Chilean ports, the Governments of England and France offered to that of Her Majesty their good offices for the peaceful settlement of the pending questions, and that on both General O'Donnell and myself accepting them, at the beginning we pointed out the necessity of having a definitive proposition submitted concerning this matter, in order to be able to give a decisive answer.

That, in consequence, the Memorandum of the 7th of December was delivered to the Queen's Government, the clauses of which had been previously arranged between the Cabinets of Paris and London; this was immediately accepted, whereby Spain gave a proof of moderation, of good faith, and of deference towards the two mediating nations, while, at the same time, she showed that she entertained no rancour and no hostile views towards Chile.

That in virtue of this determination, the necessary instructions were transmitted to General Pareja by the steamer on the 17th of December, under the care of the two Governments above mentioned, and also directly, in order to avoid the chance of their not arriving at their destination. That, in fact, they reached the Commander of the squadron at the end of January of the present year, and although the advices received from Valparaiso by the packets which left that port on the 4th and the 16th February might and ought to give an account of the state of the affair, nothing has, however, been officially communicated respecting it by the Governments of England and France to that of Her Majesty, which only knows through other channels that the Cabinet of Santiago has refused to accept the good offices of the said two nations, and the terms agreed upon with them by Spain for the friendly arrangement of the question.

Having briefly pointed out these antecedents to Sir John Crampton, I gave him to understand that as the good offices of England and France had been offered and accepted in an official manner, and by means of a Memorandum transmitted with simultaneous notes from the Representatives of the said two nations at Madrid, Her Majesty's Government considered that an official answer ought also to be given to it respecting the result of the proceedings of the British and French Agents with the Cabinet of Santiago; since the Queen's Government has a great interest in having it shown at all times what has been the conduct respectively of Spain and of the Republic in regard to the question under consideration, and to which belongs the responsibility of the consequences and eventualities which may come to pass.

Your Excellency will read this despatch to the Minister for Foreign Affairs, and leave a copy of it with him if he should desire it.

(Signed)

M. BERMUDEZ DE CASTRO.

No. 200.

The Earl of Clarendon to Sir John Crampton.

Sir,

Foreign Office, April 23, 1866.

I HAVE this morning been informed, on what I fear I must consider good authority, that a Spanish messenger arrived at New York from Europe not many days ago, the bearer of instructions to the Spanish naval commander off Valparaiso forthwith to bombard that town, and having destroyed it to return immediately to Europe.

I need scarcely dwell on the impression which this intelligence has produced on Her Majesty's Government, and how anxiously they desire to receive a contradiction of it from the Spanish Government. Not to speak of the loss of life and other distressing circumstances which the execution of any such orders would involve, Her Majesty's Government cannot but be most anxious for the danger to which British property, amounting to not much less than 30,000,000 of dollars, stored up in Valparaiso is, if the report is true, exposed, and which property would probably suffer in the general destruction of the town.

The same anxiety will be felt in France and Germany, and in the United States, whose subjects are equally engaged in commercial dealings with Chile.

And such an act of wanton devastation, so far from bringing the war to a conclusion, would only embitter it still more, and the Chileans, relieved from the presence of a Spanish squadron in the Pacific, would be free to cover all the seas frequented by Spanish merchant ships with privateers, which would commit incalculable havoc on Spanish commerce.

Under these circumstances I have to instruct you to seek an interview with the Spanish Minister, in the hope that the assurances which you may obtain from him may show that I have been misinformed.

I am, &c.

(Signed)

CLARENDON.

No. 201.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, April 23, 1866.

I TRANSMIT to you herewith, for your information, a copy of a despatch which I addressed to Her Majesty's Chargé d'Affaires in Chile on the 31st of March,* instructing

him, in conjunction with his French colleague, to propose the good offices of England and France in behalf of Peru as well as Chile.

Through inadvertence this despatch was omitted to be sent to you, but I have now to instruct you to inform the Spanish Government of the nature of the instructions addressed to Mr. Thomson upon the subject.

I also inclose a copy of a despatch which I caused to be despatched to Her Majesty's Ambassador at Paris on the 4th instant,* informing him that in the event of the terms proposed by England and France being refused by the South American Governments, and of Spain declining to negotiate with them, the Governments of England and France would be compelled to announce to both parties the failure of their endeavours to effect a reconciliation.

I am, &c.
(Signed) CLARENDON.

No. 202.

The Earl of Clarendon to M. de Molins.

M. le Ministre,

Foreign Office, April 25, 1866.

HER Majesty's Government have had under their consideration the despatch dated April 7, addressed to you by Señor Bermudez de Castro, of which you communicated a copy to me on the 16th instant.

His Excellency therein refers to a communication made to him by Sir J. Crampton to the effect that Her Majesty's Government had received a despatch from Her Majesty's Chargé d'Affaires in Chile, stating that the Government of that Republic were desirous that the negotiations for the re-establishment of peace between Spain and Chile should be carried on at Santiago instead of in Europe, to which communication Señor Bermudez de Castro replied that the Spanish Government looked upon the desire expressed by that of Chile as a refusal of the terms of the Memorandum which had been proposed by the Governments of England and France and accepted by Spain. His Excellency also stated that the Spanish Government wished this refusal to be officially communicated to them by the English and French Governments.

Sir J. Crampton was instructed in a despatch dated the 4th instant to point out to Señor Bermudez de Castro that the Chilean Minister had not expressed a refusal on the part of his Government to accept the terms proposed, and that Her Majesty's Government could not, therefore, authorize him to make the communication desired by the Spanish Government; and I have since received a telegram from Sir J. Crampton dated the 10th instant in which he informs me that he had convinced Señor Bermudez de Castro that he had misunderstood the purport of the communication from the Chilean Government.

As this despatch was dated subsequently to the one addressed to you by his Excellency, it is needless for me to make any further observations on this point, to which also the last paragraph of his Excellency's despatch relates; in fact the Chilean Government in expressing a wish that the negotiations for peace should be carried on in Chile, so far from intending thereby to break off negotiations altogether, was influenced by the consideration that they would in that case be more likely to be attended with a satisfactory result, inasmuch as if carried on in Europe they must be so in ignorance of what was passing at the seat of war, which might have a considerable influence on the view taken by the respective parties of the result of the negotiations.

Señor Bermudez de Castro goes on to recapitulate what passed in the earlier stages of the question, when the Spanish Government asked what would be their position in the event of the refusal by Chile of the terms proposed, which possibility Her Majesty's Government could not admit; while the French Government said that if she did do so, Spain would be at perfect liberty to employ whatever kind of hostilities she chose.

His Excellency observes that he had recapitulated to Sir J. Crampton the early stages of the offer of good offices to and their acceptance by Spain; that it was known that towards the end of January the offer had arrived in Chile, but that two mails, those of the 4th and 16th of February, had arrived since that time without any communication having been received from the two Governments, although Spain had received private information that the proposal of good offices had been refused.

The information received by Her Majesty's Government does not bear out this statement. The Chilean Government replied to the communication made to them by

Mr. Thomson that, having entered into an alliance with Peru, they could not accept the good offices of England and France until they had communicated on the subject with the Government of Peru.

It should be borne in mind that at this time Peru had not been invited by the two Powers to accept good offices, as, when this offer was made to Chile, it was not known that the former State had declared war against Spain.

The Government of Peru, in the meanwhile, having been consulted by that of Chile on the stage of the question antecedent to the offer of good offices, namely, the proposal of an armistice to give time for negotiations, declared that, before agreeing to such armistice, they required to be informed as to the nature of the proposals for peace which would be made.

Mr. Thomson, in a despatch dated February 14, reported that on the previous day the Chilean Minister had said that the reply of the Peruvian Government must not be considered as a refusal to accept the armistice; on the contrary, he hoped that, when acquainted with the terms recommended by England and France, the views of that Government as to an armistice would be modified.

In point of fact, Chile, for herself, as reported by Mr. Thomson on the 1st of February, gladly accepted the good offices, but could give no answer as to the terms without consulting Peru.

I have further the honour to inform you, M. le Ministre, that, on hearing from Her Majesty's Chargé d'Affaires at Santiago, on the 30th of last month, that the Peruvian Government had observed that Peru had not yet been invited by England and France to seek a pacific solution of its differences with Spain, he was immediately authorized, by the mail of the 1st instant, to offer to Peru, in conjunction with his French colleague, the good offices of the two Powers. This instruction was sent at once, without previous consultation with the French Government, which the early departure of the mail did not admit of; but Lord Cowley, having subsequently made it known to M. Drouyn de Lhuys, that Minister offered no objection to the course proposed.

I am, &c.
(Signed) CLARENDON.

No. 203.

Earl Cowley to the Earl of Clarendon.—(Received April 26.)

My Lord,

Paris, April 25, 1866.

ALTHOUGH not specially instructed to do so, I have communicated to M. Drouyn de Lhuys your Lordship's despatch of the 23rd instant to Sir John Crampton, on the subject of the intention imputed to the Spanish Government of having sent orders for the bombardment of Valparaiso.

M. Drouyn de Lhuys has not received any information corroborative of that of which your Lordship is in possession, but, at my request, he has sent instructions to the French Ambassador at Madrid to make inquiries, and, if necessary, to support the remonstrances which Sir John Crampton has been ordered to make.

I have, &c.
(Signed) COWLEY.

No. 204.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, April 27, 1866.

WITH reference to my despatch of the 12th instant, I inclose herewith, for your information, a copy of a despatch from M. Bermudez de Castro to M. de Molins,* and communicated to me by the latter, containing the views of the Spanish Government in regard to the supposed refusal of Chile to accept the terms of the Memorandum drawn up by the Governments of England and France with a view to the re-establishment of peace between Spain and Chile.

I also inclose a copy of my reply to M. de Molins.†

I am, &c.
(Signed) CLARENDON.

M. de Molins to the Earl of Clarendon.—(Received April 28.)

(Translation.)

My Lord,

April 27, 1866.

I HAD the honour to receive your Excellency's note of the 25th instant, informing me that Her Britannic Majesty's Government had taken under their consideration the despatch of the 7th instant which Señor Bermudez de Castro forwarded to me, and of which I communicated a copy to your Excellency.

I have transmitted a copy of your above-mentioned note to my Government.

I avail, &c.

(Signed) EL MARQUES DE MOLINS.

Mr. Thomson to the Earl of Clarendon.—(Received April 29.)

My Lord,

Santiago, March 4, 1866.

I HAVE the honour to inclose to your Lordship a copy of a letter which, in conformity with the instruction conveyed in your Lordship's despatch of the 11th of January last, I have addressed to Messrs. William Gibbs and Co., and others, British merchants at Valparaiso, informing them that as they had refused to remove their merchandize from the Customs bonded warehouses at Valparaiso to other bonded warehouses, on the conditions offered by the Chilean Government, they were not to expect, in the event of that merchandize suffering injury from the operations of the Spanish belligerent, that Her Majesty's Government would hold the Chilean Government responsible for that injury.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

P.S. March 16.—I have the honour to inclose a copy of a letter from Messrs. William Gibbs and Co., in reply to mine of the 3rd instant, stating that it is their intention to call a meeting of the British commercial community to communicate to them the opinion of your Lordship with respect to the proposal made by the Chilean Government.

Inclosure 1 in No. 206.

Mr. Thomson to Messrs. Gibbs and Co.

Gentlemen,

Santiago, March 3, 1866.

MR. CONSUL ROUSE having communicated to me a copy of the Resolutions passed at the meeting of the British commercial community held at Valparaiso on the 10th of November last, with respect to the conditions under which the Chilean Government, acceding to my representations, had granted permission to British merchants to remove their goods from the Customs bonded warehouses at Valparaiso to other bonded warehouses either at Valparaiso or in Santiago, I submitted a copy of those Resolutions to Her Majesty's Government; and I have now to acquaint you that the Earl of Clarendon, Her Majesty's Principal Secretary of State for Foreign Affairs, is of opinion that the conditions upon which the Chilean Government offered to allow the removal of those goods which have not paid Customs duties are not such as to found any just complaint on the part of the British merchants.

I have therefore to acquaint you that, as you have refused to remove the merchandize under the conditions offered, you are not to expect that, in the event of any injury accruing to it from the operations of the Spanish belligerent, Her Majesty's Government will hold the Chilean Government responsible for that injury.

I am, &c.

(Signed) WM. TAYLOUR THOMSON.



Inclosure 2 in No. 206.

Messrs. Gibbs and Co. to Mr. Thomson.

Sir,

Valparaiso, March 14, 1866.

WE have the honour to acknowledge the receipt of your letter of the 3rd instant, informing us that, having forwarded to Her Majesty's Government a copy of the Resolutions passed at the meeting of the British commercial community held in this city on the 10th of November last, relative to the removal of goods from the Customs bonded warehouses to other bonded warehouses, you had received a reply from the Earl of Clarendon, Her Majesty's Principal Secretary of State for Foreign Affairs, stating that, in his opinion, the conditions upon which the Chilean Government offered to allow the removal of those goods are not such as to found any just complaint on the part of the British merchants, and that you therefore make known to us and others that, as the British merchants refused to remove their goods under the conditions offered, they are not to expect that, in the event of any injury accruing to those goods from the operations of the Spanish belligerent, Her Majesty's Government will hold the Chilean Government responsible for that injury.

We have made known the contents of your letter to most of those who signed the resolutions referred to, and we purpose calling a meeting with the object of laying before the British community, in a more formal manner, the opinion of Her Majesty's Principal Secretary of State for Foreign Affairs with respect to the proposal made by the Chilean Government.

We have, &c.

(Signed) WM. GIBBS AND CO.

No. 207.*Mr. Thomson to the Earl of Clarendon.—(Received April 29.)*

My Lord,

Santiago, March 9, 1866.

HAVING understood that Commodore Rogers, commanding the United States' squadron in the Pacific, was prepared to put a veto on the bombardment of Valparaiso by the Acting Spanish Commander, and that he was in communication with Rear-Admiral Denman, I thought it right to at once make the latter acquainted with the view taken by your Lordship with respect to the merchandize of British subjects deposited in the Customs bonded warehouses in the event of its suffering from the operations of the Spanish belligerent, they having refused to remove it to Santiago under the conditions offered by the Chilean Government; and with the view that our opinions should be similar on this matter, I availed myself of this opportunity to say that it had always been my endeavour to avoid any steps which might be considered as transgressing the limits permissible to the Representative of a neutral Power.

I have the honour to inclose a copy of my letter to Admiral Denman.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure in No. 207.*Mr. Thomson to Rear-Admiral Denman.*

Sir,

Santiago, March 9, 1866.

WITH reference to the threat of bombardment of Valparaiso by the Spanish Commander-in-chief, in the event of torpedos being employed against his ships in that port, I think it proper that you should be aware of my having, a few days ago, under the authorization of the Earl of Clarendon, informed the British commercial community at Valparaiso who, having declined to accept the conditions under which the Chilean Government, at my representation, had granted them permission to remove their merchandize from the Customs bonded warehouses at that port to Santiago or elsewhere, that they were not to expect, in the event of any injury accruing to it from the operations of the Spanish belligerent, Her Majesty's Government will hold the Chilean Government responsible for that injury. And I may add, as a general observation, that the object I have always had in view with respect to the belligerent parties has been to avoid any steps

which might be considered as transgressing the limits permissible to the Representative of a neutral Power.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

No. 208.

Mr. Thomson to the Earl of Clarendon.—(Received April 29.)

(Extract.)

Santiago, March 12, 1866.

IN my despatch of the 28th of last month, I reported to your Lordship the departure of the Spanish frigates "Numancia" and "Blanca" on a second expedition to the South. On the evening of the 1st instant they had incautiously anchored close in with the shore at a point called Tubilda near Huite, where the anchorage is commanded by a hill; at this place half a battalion of Chilean militia was stationed, who during the night having placed themselves under shelter of the top of the hill succeeded in firing several volleys on the decks of the frigates when the men were mustered on the morning of the 2nd. The ships of war were obliged to retire, and the "Blanca" is said to have fired many rounds of shot and shell after they had got beyond the reach of the musket-shots, but of course without effect, the troops being under shelter of the hill. From Tubilda they then proceeded to Huite, where the Chilean and Peruvian ships have been placed for safety subsequent to the attack upon them at Abtao, and in the neighbourhood of which they appear to have remained for several days. This position, of which I inclose a rough sketch, in addition to the natural difficulties of its entrance, has been protected by forts, a chain, torpedos, and a sunken vessel, and is so difficult that the Spanish Commander-in-chief, and with proper prudence, did not venture to force an entrance. He has since appeared off the port of Lota, and is there reported to have captured two ships laden with coal.

No. 209.

Mr. Thomson to the Earl of Clarendon.—(Received April 29.)

(Extract.)

Santiago, March 15, 1866.

THE intelligence brought by this fortnight's mail-packet of the excitement which the news of the capture of the "Covadonga" and of the death of Admiral Pareja had caused in Spain, and the energy which the Spanish Government had displayed in sending out reinforcements to the Pacific, has entirely put an end for the present to all idea of an armistice being entered into. On the 3rd instant Señor Pardo delivered his credentials accrediting him as Envoy Extraordinary and Minister Plenipotentiary from Peru, and since then he has proceeded to the South in company of Colonel Pinto, the Chilean Minister of War and Marine.

No. 210.

Mr. Thomson to the Earl of Clarendon.—(Received April 29.)

My Lord,

Santiago, March 16, 1866.

I HAVE the honour to inform your Lordship that the Act of Declaration of War by the Congress of Bolivia against Chile about three years ago, in consequence of the forcible occupation by the latter of the disputed frontier of Atacama, has been revoked by that Republic, and Señor Munoz y Cabrera has arrived here with the object doubtless of coming to an arrangement by which Bolivia may enter the defensive and offensive alliance of Chile, Peru, and Equator, and declare war upon Spain. The reception of the Bolivian Minister has not yet taken place.

It is not improbable that the United States of Columbia may also shortly join the alliance.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

Mr. Thomson to the Earl of Clarendon.—(Received April 29.)

My Lord, Santiago, March 17, 1866.

AT the present moment of suspense in the Spanish and South American question, I trust I may be excused in offering some observations as to what may be its proximate condition.

As the case first stood when Her Majesty's Government intervened their good offices, it being a question of honour which required to be arranged, the mediation of friendly Powers was the best means of arriving at a successful issue. Subsequently, however, Peru having allied herself with Chile, the question presents itself in another and double light—the arrangement of the points of honour which concern Chile, and the pecuniary question which formed the basis of the action taken by Peru. In a question of the latter nature, arbitration, not mediation, may be perhaps considered the most suitable means of adjustment; but Peru may now possibly advance a double pretension, that is, of pecuniary indemnity for the sums she has already paid to Spain in virtue of the Pareja-Vivanco Treaty, and of satisfaction for the act of Spain in having invaded her sovereignty by taking possession of the Chincha Islands, lowering the Peruvian flag there, and raising her own in its place; and Chile, which formerly would have been satisfied to accept peace if no pecuniary claims were made upon her, will probably make it a *sine quid non* her being to a certain extent reimbursed for the losses the war has caused her; while the several States which have become or may become parties to the alliance will probably be united in insisting that not only shall satisfaction be afforded for the past, but also that sufficient guarantees may be given against Spanish aggression in future. But the recent feeble attempt at Abtao, the want of caution displayed at Tubilda, and the failure of the Spanish Commander-in-chief himself when in sight of the allied squadron, have so much inflated the minds of the Chileans that unless some effective blow be struck by the Spaniards when their reinforcements arrive, I see little likelihood of the Republics accepting any other mode of solving the difficulties than force of arms.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Lieutenant-Colonel Neale to the Earl of Clarendon.—(Received April 29.)

(Extract.) Quito, March 17, 1866.

I HAVE the honour to lay before your Lordship, herewith inclosed, a copy and translation of a circular note addressed to my colleagues and myself by the Minister of Foreign Affairs of this Republic, accompanying a legalized copy of the President's Decree declaring the Equator to be in a state of war with Spain.

The impression universally prevails that the Government could not with safety have avoided or postponed the alliance with Chile and Peru into which it has entered. And it is undoubtedly true that all danger of the threatened and renewed invasion of this country by the partizans of General Urbina, emanating from Peruvian territory, must at least be arrested so long as the alliance continues.

I had encouraged the hope that the part which the Equator would be called upon to take in the war with Spain would have been exclusively of a negative and passive character, as hitherto no steps of a warlike tendency, by the enlistment of troops, or the construction of defences on the coast, seem to have been contemplated by the Government. Such armaments or defences would in all probability not only entail ruin on the already impoverished financial resources of this country, but precipitate an absolute conflict with the Spanish forces, should, in the course of the war, even a single vessel of their squadron appear before the port of Guayaquil.

But I am now credibly informed that the Government of Peru has decided upon furnishing an immediate subsidy to this Republic to the extent at present of from 100,000 to 200,000 dollars for the purposes of defensive preparations; and that rifles, cannon, and other warlike stores are shortly expected to arrive at Guayaquil from Peru, when active measures will doubtless be undertaken for defence, if not for aggression.

I have not, however, felt that I am authorized or justified in offering any expression of opinion whatever to the Government of this Republic regarding the measures recently adopted by them in respect to the war with Spain, founded, as they are assumed to be.

upon national enthusiasm and a friendly duty towards sister Republics. And I have therefore restricted myself to the simple acknowledgment of the communication I have the honour to inclose to your Lordship, and which forms the subject of this despatch.

Inclosure 1 in No. 212.

Señor Bustamante to Lieutenant-Colonel Neale.

(Translation.)

Quito, March 3, 1866.

THE Undersigned, Minister for Foreign Affairs of the Equator, has the honour to address himself to the Chargé d'Affaires of Her Britannic Majesty, inclosing a legalised copy of the executive Decree by which the Equator has declared itself to be at war with the Government of Spain.

The conduct pursued by the Cabinet of Madrid with the Republics of Chile and Peru has neither been friendly nor just. The assumed right to reassumption ("revindicacion") was invoked against Peru in order to occupy by force of arms the Chincha Islands, situated within its territory, ignoring the independence and sovereignty of the nation recognized solemnly by explicit and reiterated acts of the Spanish monarchy itself, and by several States of Europe and America with which Peru has Treaties.

The war declared against Chile is not less unjust in regard to the motives alleged by Spain, and in the extreme irregularity and unusual nature of the forms observed.

Having it in her power, and being bound to employ diplomatic means in the interests of peace and for the continuance of the good relations and concord which prevailed, and even after the Representative of Spain accredited to Santiago had deemed the satisfaction given by the Government of Chile to the demands of Señor Tavira sufficient for the grievances which he believed it to have suffered in certain instances, those demands for reparation have been renewed upon the plea that the Chargé d'Affaires of Spain had exceeded his instructions, and that his conduct had merited the disapprobation of his Sovereign.

The proceedings of Her Catholic Majesty's Government in regard to Chile and Peru have produced alarm in the continent, and have engendered a want of confidence for the future of other Republics, which fear (not without reason) lest they should be attacked hereafter upon trifling pretexts, and find their national existence compromised; a nationality irrevocably acquired at the cost of immense sacrifices and torrents of blood, for the purpose of shaking off the opprobrious title of "Colonies," and of placing themselves in the rank of sovereign and independent nations.

The Equator, to which, as well as to Chile, has been disputed the faculty of declaring what articles constitute contraband of war and of prohibiting the exportation of coal from her ports during the continuance of the conflict between Peru and Chile, in which both States assumed the character of neutrals, could not passively expose her liberty and independence already menaced, seeing that one of the pretexts invoked against Chile is that above referred to. In defence, therefore, of her own well-being, and the impossibility of viewing with indifference the fate of two friendly people and brothers bound together by sacred ties and who ought to protect and respect each other, the Equator has entered into a compact of alliance offensive and defensive with Chile and Peru, and formed with them a common cause to resist an evidently rash invasion, which the public opinion of both hemispheres condemns, and to participate in the glory of triumph, or in the consequences of misfortune, but, in any case, to preserve her dignity and honour.

With sentiments, &c.

(Signed)

MANUEL BUSTAMANTE.

Inclosure 2 in No. 212.

Decree.

(Translation.)

Geronimo Carrion, President of the Republic of the Equator.

A COMPACT of alliance offensive and defensive having been entered into between this Republic and those of Chile and Peru in the war which they are at present engaged in against the Government of Spain, and the three States having in consequence a common cause;

I decree—

Article 1. That the Equator is declared to be in a state of war against the Government of Spain.

Art. 2. The Ministers of State in their respective Departments are charged with the execution of the present Decree, which is to be promulgated with due solemnity, and communicated to all whom it may concern.

Given at the Palace of the Government in Quito, on this 27th day of February, 1866.

(Signed) GERONIMO CARRION.

(Signed) MANUEL BUSTAMANTE, *Minister of the Interior and of Foreign Affairs, and charged with the Ministry of Finance.*

IGNACIO DE VEINTEMILLA, *Minister of War and Marine.*

No. 213.

Mr. Hammond to the Secretary to the Admiralty.

Sir,

Foreign Office, May 1, 1866.

I AM directed by the Earl of Clarendon to transmit to you, for the information of the Lords Commissioners of the Admiralty, a copy of a despatch from Her Majesty's Chargé d' Affaires in Chile* relative to the proceedings of the Spanish squadron on the Chilean coast, and inclosing a sketch of the position taken up by the Chilean and Peruvian vessels of war.

I am, &c.

(Signed) E. HAMMOND.

No. 214.

The Secretary to the Admiralty to Mr. Hammond.—(Received May 1.)

(Extract.)

Admiralty, April 30, 1866.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Earl of Clarendon, a copy of a letter dated the 17th March last from Rear-Admiral the Honourable J. Denman, reporting his proceedings in consequence of a report that the Spanish Commodore was about to bombard Valparaiso.

Inclosure in No. 214.

Rear-Admiral Denman to the Secretary to the Admiralty.

(Extract.)

"Sutlej," Valparaiso, March 17, 1866.

I HAD intended to have sailed to-night. I was, however, informed by the Captain of the "D'Assas" that the French residents at Valparaiso were quitting the place in expectation of a bombardment. I therefore visited Commodore Mendez Nuñez, and asked him directly whether such measures were contemplated. The only answer I could obtain was that he would give due notice to the officers in command of neutral vessels in this port before any such measure was adopted, and as I could obtain no other reply it appeared to me so probable that an attack was meditated after my departure that I informed him it was impossible for me to leave Valparaiso without a more explicit answer.

Our interview was entirely amicable.

The American squadron are exceedingly likely to interfere with any attempt at bombardment. I shall act according to circumstances, but in a case of an indiscriminate attack on private as well as public buildings the result will be so horrible on a crowded and unoffending population that it will be my duty to avert it by all legitimate means.

Mr. Hammond to the Secretary to the Admiralty.

Sir,

Foreign Office, May 1, 1866.

I AM directed by the Earl of Clarendon to transmit to you herewith, to be laid before the Lords Commissioners of the Admiralty, a copy of a despatch from Her Majesty's Chargé d'Affaires and Consul-General in Chile,* from which it would seem that the Naval Commander of the United States at Valparaiso was prepared to prevent the Spanish naval forces from bombarding that place, and that he was in communication with Rear-Admiral Denman on the subject.

Mr. Thomson has very properly apprized Admiral Denman of the communication which he had been instructed to make to the British mercantile community at Valparaiso, that as they had declined to accept the conditions on which the Chilean Government were prepared to allow them to remove their merchandize from their Customs bonded warehouses at that place, they were not to expect, in the event of any injury accruing to it from the operations of the Spanish forces, that Her Majesty's Government would hold the Chilean Government responsible for that injury; and Mr. Thomson has further stated to the Admiral that the object which he has had in view, with respect to the belligerent parties, had been to avoid any steps which might be considered as transgressing the limits permissible to the Representative of a neutral Power.

Lord Clarendon trusts that this communication, coupled with the instructions he must have received, either directly from the Board of Admiralty, or indirectly through the instructions previously given to Commodore Harvey, will prevent Rear-Admiral Denman from being induced to associate himself in any proceedings inconsistent with the neutral character of Her Majesty's Government which the United States' Commodore may be inclined to adopt; but his Lordship is of opinion that a cautionary instruction to that effect should be sent to Rear-Admiral Denman by the mail now about to be despatched.

I am, &c.

(Signed) E. HAMMOND.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, May 1, 1866.

I HAVE received your despatch of the 9th of March, and I have to convey to you my approval of the letter which you have addressed to Rear-Admiral Denman in regard to the supposed intention of the officer commanding the United States' squadron to prevent the bombardment of Valparaiso by the Spanish naval forces.

For your information I inclose a copy of a letter which I have this day addressed to the Lords Commissioners of the Admiralty upon this subject.†

I am, &c.

(Signed) CLARENDON.

Sir J. Crampton to the Earl of Clarendon.—(Received May 2.)

My Lord,

Madrid, April 28, 1866.

IN obedience to the instructions contained in your Lordship's despatch of the 23rd instant, I obtained an interview with the Spanish Minister for Foreign Affairs, and inquired whether the statement made to your Lordship was true that a Spanish messenger who had arrived at New York not many days ago was the bearer of instructions to the Spanish Naval Commander off Valparaiso forthwith to bombard that town, and having destroyed it to return to Europe. I stated to his Excellency the grounds upon which Her Majesty's Government would deeply regret the adoption of such a course, and expressed their anxiety to receive a contradiction of the report.

Señor Bermudez de Castro, after listening to my observations, replied that all he could authorize me to say to your Lordship in reply was, that the Spanish Government had not sent a messenger to the Commander-in-chief of the Spanish forces in the Pacific by

way of New York. The last instructions to that officer, as well as all previous instructions or communications to him, had been sent by the direct route.

I was unable to elicit from Señor Bermudez de Castro any precise indication of the tenour of the last instructions to which he alluded. His Excellency contented himself with remarking that the directions given to Señor Mendez Nuñez were "to act according to circumstances." His Excellency was evidently unwilling to enter into further detail upon the subject. He referred to the reply made by your Lordship to the Marquis de Molins, when that Minister inquired what, in your opinion, would be the position of Spain under the supposition that, having accepted the good offices of England and France, Chile was to reject them. Your Lordship, Señor Bermudez de Castro observed, then declined to enter upon a discussion of that hypothesis, stating that you would not foresee the possibility of such a rejection by Chile. The Spanish Government, however, entertained a different impression as to the possibility of a rejection by Chile, and had acted accordingly. This inquiry, his Excellency observed, did not imply the necessity of a permission by the British Government to Spain to carry on the war as she thought best, but proceeded from the wish to be made acquainted with the opinion of a friendly Power.

Señor Bermudez de Castro appeared to recur to this conversation between your Lordship and the Marquis de Molins as in some way justifying his present reserve, but I was unable to seize the exact gist of his Excellency's argument in this respect, or to perceive the parallelism of the two cases, which he seemed desirous to establish.

From the observations made to me on this occasion by Señor Bermudez de Castro, as well as from his manner, I cannot help inferring that the real state of the case as regards the instructions to the Spanish Commander-in-chief is this:—that although no precise directions have been given to Señor Mendez Nuñez to destroy Valparaiso and return with his squadron to Europe, such discretion has been allowed to him, that if he were to do so under certain circumstances, his conduct would not be disapproved by the Spanish Government. Señor Bermudez de Castro was evidently desirous to guard himself against stating that no instructions had been given which could involve such a result. This caution would not be natural, were it not within possibility that the next mail from the Pacific should apprise us that the Spanish Admiral had in fact so acted.

I have, &c.

(Signed) JOHN F. CRAMPTON.

No. 218.

The Earl of Clarendon to Sir J. Crampton.

Sir, *Foreign Office, May 3, 1866.*

I TRANSMIT herewith, for your information, a copy of a despatch from Her Majesty's Chargé d'Affaires in Chile,* inclosing a copy of a letter which he had addressed to Rear-Admiral Denman in regard to the supposed intention of the Commander of the United States' squadron at Valparaiso to prevent the bombardment of that city by the Spanish naval forces.

I also inclose a copy of my reply to Mr. Thomson, together with a copy of a letter which I caused to be addressed to the Lords Commissioners of the Admiralty upon this subject.†

I am, &c.

(Signed) CLARENDON.

No. 219.

*The Chairman of Committee of British Subjects at Valparaiso to the Earl of Clarendon.—
(Received May 14.)*

My Lord, *Valparaiso, March 29, 1866.*

ON the 27th instant Commodore Mendez Nuñez, commanding the Spanish squadron in this bay, notified to the foreign Consuls his intention of commencing at 8 A.M. on Saturday the 31st instant the bombardment of this city, which is entirely undefended, and contains about 80,000 inhabitants, among whom are several thousand neutrals.

Most earnest exertions having been made in vain to obtain the active intervention of the British squadron in concert with the naval forces of the United States, whose co-operation had been voluntarily offered, a meeting of British residents was held yesterday

* No. 207.

† Nos. 215 and 216.

in this city, when a Committee was appointed to draw up a series of Resolutions expressing their indignation at the total abandonment of their interests and of those of their constituents by Mr. William Taylour Thomson, Her Majesty's Chargé d'Affaires at Santiago, and by Rear-Admiral Denman, commanding Her Majesty's forces in the Pacific.

At the adjourned meeting held this day, the Resolutions drawn up were submitted and approved, and an additional Resolution was passed that a copy of same should be forwarded to your Lordship, to Rear-Admiral Denman, and to Mr. William Taylour Thomson.

I inclose a copy of the Resolutions, and have, &c.

(Signed)

J. C. HAYNE.

Inclosure in No. 219.

Resolutions passed at a Meeting of British Residents held at Valparaiso, on Thursday, March 29, 1866.

1. THAT the statement of facts read at the meeting this day by Mr. Hayne be hereby adopted as a true and impartial narrative.

2. That this meeting cannot too severely censure the vacillating conduct of Rear-Admiral Denman, in having given to the British community of Valparaiso positive assurances that he would interfere, by force, if necessary, to prevent a general bombardment, and afterwards retracting the same, thus causing the loss of much valuable time which might have been profitably employed in securing safety to life and property.

3. That this meeting cannot but condemn Rear-Admiral Denman's conduct as inconsistent with correct ideas of that neutrality which he stated he had strict orders to observe, inasmuch as while he denies to the British community of Valparaiso the protection of the forces under his command, he did not hesitate to detach one of the ships of his squadron for the protection of Spanish emissaries—contraband of war in Peruvian waters—who left Valparaiso for the north in the mail-steamer hence on the 17th instant.

4. That Rear-Admiral Denman's plea of want of sufficient force to oppose the Spaniards is humiliating to his countrymen, and inexcusable, considering that the co-operation of a powerful United States' squadron was pressed upon him by its Commanders; and that this meeting cannot express in sufficiently strong terms its indignation that such an atrocity as the bombardment of a defenceless town, with a population of 80,000 inhabitants, should be permitted in the presence of a British squadron!

5. That the absence of precise instructions from the English Government, with reference to the threatened bombardment, can only be accounted for by the supposition on its part that our difficulties must have come to a conclusion, leaving, therefore, unforeseen complications to be solved by the good judgment of its Representative, who, to the great regret of this meeting, would appear to consider the duties of neutrality inconsistent with any action in favour of those interests which are specially confided to his protection, and which, under existing circumstances, are so seriously compromised.

6. That it is a matter of regret that between the British Chargé d'Affaires and this community there has long existed an estrangement which has rendered him unfit to represent its interests, and that in the present emergency the disadvantages accruing therefrom have been more sensibly felt by his passive submission to the abuses of the Spanish squadron, while other neutrals have been placed in much more favourable positions through the exertions of their Representatives.

7. That a deputation be appointed to wait upon the United States' Minister, General Kilpatrick, and upon Commodore Rodgers, and express to them, on behalf of this meeting, its high appreciation of their earnest endeavours to prevent, by co-operation with the British forces, the bombardment of this city, deeply regretting that these endeavours have not been more successful.

8. That these Resolutions, and the documents referred to in them, be laid before the British public.

9. That a copy of these Resolutions be transmitted by the Chairman to the Earl of Clarendon, Her Majesty's Principal Secretary of State for Foreign Affairs; to Rear-Admiral Denman, Commander-in-chief of Her Majesty's forces in the Pacific; and to William Taylour Thomson, Esq., Her Majesty's Chargé d'Affaires in Santiago.

No. 220.

The Chairman of Committee of British Subjects at Valparaiso to the Earl of Clarendon.—
(Received May 14.)

My Lord,

Valparaiso, April 3, 1866.

REFERRING to the letter which I had the honour to address to your Lordship on the 29th ultimo, I have now to inclose, for your information, a copy of a communication dated the 2nd instant from British subjects residing in Santiago adhering to the Resolutions passed by their countrymen in this city on the 29th ultimo.

I have, &c.

(Signed) J. C. HAYNE.

Inclosure in No. 220.

Messrs. Swinburn, Browne, &c., to the Committee appointed at a General Meeting of British Residents in the Port of Valparaiso.

Gentlemen,

Santiago, April 2, 1866.

THE undersigned British subjects resident in this city of Santiago, capital of Chile, in view of the Resolutions passed at a meeting of British residents held at Valparaiso on the 29th of last month, condemnatory of the proceedings of Her Majesty's Chargé d'Affaires, William T. Thomson, Esq., and Rear-Admiral Denman, Commander of Her Majesty's naval forces in the Pacific, relative to the bombardment of Valparaiso, and of their failure to protect British interests against the barbarous proceedings of the Spanish forces, hereby adhere to and fully approve of these Resolutions, and beg that you will accompany a copy of this letter with the documents which you may address to Her Majesty's Government on the subject in conformity with them.

(Signed)

CHARLES SWINBURN.

BARTO. G. BROWNE.

(And 16 others.)

No. 221.

Mr. Thomson to the Earl of Clarendon.—(Received May 14.)

My Lord,

Santiago, March 28, 1866.

I HAVE the honour to transmit to your Lordship the copy of a letter which I have addressed to Admiral Denman in consequence of M. Flory, my French colleague, having, in the absence of ships of war of the Imperial marine at Valparaiso, requested that French subjects residing at that port be placed under the protection of the British flag.

I have, &c.

(Signed)

WM. TAYLOUR THOMSON.

Inclosure 1 in No. 221.

M. Flory to Mr. Thomson.

M. et cher Collègue,

Valparaiso, le 27 Mars, 1866.

EN l'absence de forces navales Françaises et le Commandant-en-chef de l'escadre de Sa Majesté Catholique ayant notifié son intention de bombarder Valparaiso dans un délai de quatre jours, je viens placer mes nationaux sous la protection du pavillon de la Grande Bretagne. Je ne doute pas que l'Amiral de Sa Majesté Britannique ne soit disposé à leur prêter un concours que la marine Impériale de France serait heureuse de pouvoir offrir en pareille circonstance aux intérêts Anglais, et j'ose espérer que toutes les mesures que vous et M. l'Amiral jugerez convenable de prendre en faveur de vos nationaux seront étendues à mes compatriotes.

Veuillez, &c.

(Signé)

FLORY,

Le Chargé d'Affaires de France.

(Translation.)

Sir, and dear Colleague,

Valparaiso, March 27, 1866.

IN the absence of the French naval forces, and the Commander-in-chief of Her Catholic Majesty having notified his intention of bombarding Valparaiso after a delay of four days, I desire to place my countrymen (resident in that city) under the protection of Great Britain. I have no doubt that the British Admiral will be willing to afford them the same assistance which the Imperial navy of France would be happy to offer to British interests under similar circumstances; and I trust that any steps which you and the Admiral may consider proper to be taken on behalf of British subjects may be extended to my countrymen.

I avail, &c.

(Signed) FLORY,
Chargé d'Affaires of France.

Inclosure 2 in No. 221.

Mr. Thomson to Rear-Admiral Denman.

Sir,

Santiago, March 28, 1866.

MY French colleague has addressed to me the letter of which I have the honour to inclose a copy, placing his countrymen under the protection of the British flag.

I have replied to M. Flory that under the circumstances of the bombardment notified by the Spanish Commander-in-chief with so short a notice, and there being no French ships of war in the Chilean waters, I have no doubt that you share with me in the desire to aid in the protection of French subjects, in so far as may be in your power, having in view the great number of British subjects and the few ships of war you have with you in the port of Valparaiso; and if you should see fit to do so, I would beg of you to communicate your assent to Mr. Consul Rouse, so that he may, without loss of time, make it known to the French residents through M. Girardot, the Consul of His Majesty the Emperor of the French at Valparaiso.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

No. 222.

Mr. Thomson to the Earl of Clarendon.—(Received May 14.)

My Lord,

Santiago, March 29, 1866.

I HAVE the honour to transmit to your Lordship a copy of a despatch addressed to me by the United States' Minister, stating he had communicated to the Spanish Commander-in-chief the refusal of the Chilean Government to accept the proposals for peace offered through him by the former, and that he transmits to me a copy of the Manifest addressed by Señor Mendez Nuñez to the Diplomatic Corps in consequence of that refusal, and in which he notifies that after four days he will bombard Valparaiso, if the terms he had proposed are not accepted before that time.

As General Kilpatrick did not inclose to me, as stated, a copy of the Manifest, I shall transmit to your Lordship a translation of that document as published in the Santiago newspapers.

General Kilpatrick also invites me to attend a meeting at his rooms, to take into consideration the above Manifest, but my many occupations, before returning to-morrow morning to Santiago, prevented me from accepting his invitation.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Inclosure in No. 222.

General Kilpatrick to Mr. Thomson.

Sir,

THE unfortunate differences between Chile and Spain which have brought about a state of hostilities seem about to culminate in events still more serious. Aware of this, I approached the Government of Chile some ten days since, unofficially, and sought to know whether there were not some terms upon which peace would be possible. That Government expressed a desire for peace, but could suggest no practical mode of obtaining it. I

then called upon the Spanish Admiral and ascertained his view. He stated to me that, were the Government of Chile to address a note to him stating that there was no intention of offending Spain in the action complained of by her, that he was willing to reply in the same spirit; that an exchange of prizes and prisoners might then take place, and a simultaneous salute be fired by the two belligerents, Chile firing the first gun, upon which he, as Minister of Spain, would deem himself satisfied, and, as Admiral, would withdraw with his forces.

Chile has declined this proposal, and considers it inadmissible. I have to-day informed Admiral Mendez himself of this refusal, whereupon he has issued a Manifesto, a copy of which I have the honour to transmit herewith. The Manifesto informs the Diplomatic Corps resident in Santiago of his intention to bombard and destroy all the public property of Chile in Valparaiso, giving a term of four days for the escape of non-combatants.

To prevent the consummation of an act so cruel and inhuman, to prevent the total destruction of a city composed almost entirely of Europeans and Americans, a city which is to-day totally defenceless, and that through the advice of foreign Representatives, I feel it my duty to call upon you, Sir, to assist me.

Of the present difficulties between Chile and Spain we, of course, have nothing to say, but, as the Representatives of enlightened nationalities, we have much to say: why a helpless city, not the property of either of the belligerents, should not be laid in ashes, thousands of helpless women and children driven from their homes to die, amid the desert hills, and why civilization upon this coast should not be set back to an indefinite period. I therefore cordially invite you to meet, with such members of the Diplomatic Corps as are at present in Valparaiso, at my rooms, at 2 P.M. to-day, to take into consideration the extraordinary Manifesto of the Spanish Admiral, and the numerous petitions of the foreign residents of this port, and to take immediate action in the premises.

I have, &c.

(Signed) J. KILPATRICK.

No. 223.

Mr. Thomson to the Earl of Clarendon.—(Received May 14.)

My Lord,

Santiago, March 29, 1866.

ON the receipt of your Lordship's despatch of the 3rd of February, I lost no time in seeing the Chilean Minister, and pressing upon him the necessity of at once accepting the proposals made by the mediating Powers, at interviews of upwards of two hours on the 24th and 25th with the Minister, and with the President on the 26th instant, on which occasion his three principal Ministers were present; the question was warmly discussed. The President himself appeared really desirous of coming to terms of arrangement; while the language of the Ministers, and more especially that of Señor Covarrubias, indicated a determination to resist at the present moment, probably with the view of gaining time in preparing naval armaments, every mode of pacific adjustment. The President stated that certain proposals nearly similar to those made by England and France, with an additional Article by which the prizes and prisoners taken on both sides should be restored, had been presented by the United States' Envoy on the part of the Spanish commander, with an intimation that if they were not accepted by 8 o'clock of the morning of the 28th, he would then put in execution the severe measure of coercion which his Government had ordered him to inflict; but that they were rejected, as they were presented under a threat of bombardment, and made no provision for the Republics with which Chile was allied. The President said if menace were not employed, and terms of peace were at the same time presented for the several Republics in alliance with Chile, he was desirous of peace, and peace would be arrived at easily; but without those conditions, no terms, however favourable for Chile alone, could be accepted.

I said I had arranged with my French colleague to proceed next morning to Valparaiso, and suggested as a mode of arriving at a simultaneous peace with all the Republics, that the differences with Chile should be arranged in the terms offered by the mediating Powers, and that the questions with the other Republics should be decided by their nominating an arbiter for that purpose. I further suggested that in order to effect this, I should propose to M. Mendez Nuñez some additional delay to admit of the Chilean Government coming to an understanding with the Ministers of Peru and Bolivia on the question of arbitration, and finally the suggestion was adopted by the President.

I had in the meantime informed Admiral Denman by telegram and letter that my French and Prussian colleagues and myself would be in Valparaiso on the following day

with the view of seeing the Spanish commander, but about midnight Commodore de Courcy and Commodore Rogers of the United States' navy called at my house, and said they had come to Santiago by a special train to invite the members of the Diplomatic body to come down to Valparaiso, in order if possible to come to some arrangement by which the threatened bombardment might be prevented. The United States' Envoy and Commodore, my Prussian and French colleagues, Commodore de Courcy, and myself, accordingly left Santiago. On the morning of the 28th, General Kilpatrick, according to agreement with the Spanish commander, went on board the "Numancia," and intimated the rejection by Chile of the terms he had been empowered to offer her.

It is much to be regretted that General Kilpatrick did not mention to Señor Mendez Nuñez that the other members of the Diplomatic body were at Valparaiso with the object of conferring with him, and the consequence of this was that Señor Mendez Nuñez presented to General Kilpatrick, and the latter brought on shore, the manifesto declaring that if in four days his terms were not accepted, Valparaiso would be bombarded. The note I had addressed to Señor Nuñez requesting an interview did not reach him until past 9 o'clock, and by that time the manifesto was already known by the public. General Kilpatrick had invited the Prussian Chargé d'Affaires to accompany him on board the "Numancia," but from some reason the latter, not being duly informed, had not the opportunity of doing so.

When my French colleague and I went on board, Señor Mendez Nuñez informed us he thought we were still at Santiago, until my note was presented to him. We then proceeded to state what we had been empowered to communicate on the part of the Chilean Government. We pointed out how desirable it was, in the interests of both belligerents, that the war should cease. We stated the earnest desire of the President for peace; his intention, if time were granted, to confer with the Envoys of the allied Republics, with the view of their questions being settled by arbitration. We pressed upon him that bombardment, if adopted, would render peace unattainable, and was a blow which would be felt by neutrals alone. We then urged an extension of the delay granted by him as absolutely necessary to admit of the Chilean Government coming to an understanding with its allies. I observed to him, that the acceptance of arbitration in the question of the other Republics would get rid of the Chilean difficulty in accepting terms for herself; but that it was equally necessary to get rid of the other Chilean objection, which with them was a *sine quâ non*, and that it appeared to me this too could be disposed of, if instead of employing the term "delay," he should, for the number of days granted, style it a suspension of arms, or armistice of so many days.

To all our observations the reply of Señor Mendez Nuñez was, that if he had known we had come down to confer, he could have withheld the issue of his manifesto until our interview was concluded; but as it was now published he could not now alter, in the very slightest degree, the terms in which it was now couched: that on no account could he admit of the term "suspension of hostilities" or "armistice," as it would be in direct opposition to the orders of his Government, which were of the most positive nature, and would be implicitly carried out by him; that on the 31st of March he would be able to report to his Government either that Spain was at peace with Chile, or that Valparaiso had been bombarded. He said in the event of force being opposed to him by others, it would not affect the acts he had notified, his Government having informed him that Spain was prepared to see her squadron at the bottom of the Pacific, but not in the waters of Europe, with dishonour. He repeated, several times, that he acted on the orders of his Government, which were of the most stringent nature, and would be most rigidly carried out by him. He said, however, that until the four days of delay had expired he was ready, and would be most happy, to accept peace on the terms he had offered; and that although, strictly speaking, his full powers as Plenipotentiary had reference to Chile alone, he would take upon himself the responsibility of offering to Peru, or any of the other American Republics, the same terms offered to Chile, in so far as applicable to the particular case of each of them. Thus ended our conference.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

No. 224.

Mr. Thomson to the Earl of Clarendon.—(Received May 13.)

My Lord,

Valparaiso, March 30, 1866.

I HAVE the honour to transmit to your Lordship a copy (printed in the Santiago newspaper) and translation of a Manifesto addressed by the Spanish Commander-in-chief to

he Diplomatic Corps at Santiago, in which he notifies that he will bombard Valparaiso if his terms for peace are not accepted in four days by Chile, together with a copy of an identic note, which, after consulting together, the Prussian and French Chargés d'Affaires and I have addressed to the Spanish Commander, in reply to his Manifest, and also a copy and translation of the rejoinder of the latter.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

Inclosure 1 in No. 224.

Manifesto addressed to the Diplomatic Corps resident in Santiago.

On board the frigate "Numancia," in the Bay of Valparaiso,
(Translation.) *March 27, 1866.*

THE Memorandum addressed by his Excellency the late General Pareja to the Spanish-American Republics on the 24th of September last, and the circulars of a later date of his Excellency Don Manuel Bermudez de Castro, the Minister of State, must have perfectly informed the Corps of which your Excellency is the worthy Doyen of the motives of the war between Chile and Spain, and must doubtless have set forth also that the nature of those motives left no other course to Spain,—Chile having refused to give satisfaction for the offences which constituted and still constitute those motives,—than to appeal to the last resource of Governments to obtain satisfaction.

But even in this painful necessity Spain and her Representatives in these waters, impelled, it may be said, by the proverbial generosity of the Spanish nation, a generosity natural to a great and noble people, wished to employ their means of force in the mildest manner possible, thinking that Chile, taking into consideration the overpowering strength of those means, and the generous manner in which it was employed, would agree to give the satisfaction which was, and still is, justly due to Spain—a justice ostensibly acknowledged by two of the first Powers of Europe from the moment when, to put in practice their good offices, they agreed with Spain to conditions which show that justice without any doubt, and in accordance with which an arrangement could be made to put an end to the conflict in a befitting manner for both parties.

The blockade of Chile was established and was carried on in so generous a manner that neither neutrals nor the enemies of Spain could fail to acknowledge that this generosity could not extend further within the limits which the laws of war impose. There is, perhaps, no example up to this time in the annals of civilized nations of more lenity or more forbearance. Perhaps, also, this lenity and this forbearance may have induced an enemy, who, unfortunately, cannot comprehend them, to believe that they can with impunity deny that justice which was and is demanded of them.

If it is so, as everything induces us to think, Spain on this occasion will always be seen acting with her characteristic dignity. History will always say that on this occasion she committed an error which most exalts a country among civilized nations.

And that the judgment as regards the manner in which the blockade has been and is being carried out is founded on the strictest truth, is shown by its being unanimously acknowledged by the Ministers and Agents of neutral nations. But it was not enough for Spain, supported as she was by the justice of her cause, and the means of enforcing that justice, to carry her moderation to the utmost limits. From the moment that France and England came forward Spain accepted the good offices which both nobly offered to bring the conflict to a termination in a manner honourable for both countries; and only a blindness, punishable as that of Chile is, by international law, could engage them in war.

Before the breaking out of hostilities, and afterwards, in the way they have been carried on, there is not one single act which does not fully prove the disinterested conduct of Spain, and her constant desire to re-establish peace. The United States of America, and the other nations of Europe referred to, are respectable and undeniable witnesses of this. With such antecedents Spain cannot endure more. The countries which, aware of the justice of her cause, and of her power to do herself justice, may sacrifice at the shrine of moderation their legitimate desire to enforce at once that justice which is denied them, but they cannot pass the limit which would wound their honour and destroy that prestige which every page of a glorious history has obtained for them.

At this limit Spain has arrived: and it is, therefore, now indispensable to break with a Government which understands so badly those duties which civilization imposes on its relations with others; which interprets so badly what that civilization prescribes to all countries, since that Government does not hesitate to involve Chile in an unjust war on

her part ; and, finally, with a Government that is ignorant of what the dignity of others demands.

Matters having come to this pass, Spain has done what honour requires ; she has ordered her vessels in the Pacific to seek out her combined enemies, and that order has been obeyed, compromising two of those vessels (to speak nautically) in places full of difficulties, rendered the more so from being unknown ; passing where no vessels of their size had ever passed, and reaching a situation where they could range themselves with nautical temerity, in order to come in sight of the enemy, who were placed in a situation perfectly chosen, and with obstacles which impeded their coming to close quarters, and they only received the damage, although considerable, which a distant fire could cause.

Not dismayed by these difficulties, or, I should rather say, continual dangers from the locality and of the frequent fogs which may be said to obscure it daily, another fresh expedition was sent in search of the enemy, who, not considering himself sufficiently secure in the place he occupied, had sought his safety among the intricate and narrow channels which of themselves present an invincible object, and the vessels behind them cannot be attacked by ships such as compose the Spanish squadron in these waters. The impossibility, therefore, of coming within range of vessels shut up behind insuperable barriers, and the obstinacy of Chile in continuing to deny the satisfaction so justly demanded, place Spain in the painful but necessary position of causing Chile to feel the whole weight and rigour to which a country is exposed which absolutely refuses to acknowledge the duties imposed on the universal civilized community ; and therefore, and by reason of this war, the guns of the Spanish squadron will bombard the city of Valparaiso, and any other which they may deem fit—an hostility which, although terrible, is legalized by the incontrovertible reasons which have been enumerated, and which will impose upon the Republic all the responsibility of the injury which neutral interests may suffer ; for the preservation of which in this port four days are granted ; at the expiration of which the said bombardment will take place.

(Signed) CASTO MENDEZ NUNEZ.

Inclosure 2 in No. 224.

Mr. Thomson to Commodore Nuñez.

Santiago, le 29 Mars, 1866.

LE Soussigné, Chargé d'Affaires d'Angleterre au Chile, a pris connaissance du Manifeste en date du 27 de ce mois que son Excellence M. Casto Mendez Nunez, Commandant-en-chef de l'Escadre de Sa Majesté Catholique et son Plénipotentiaire, a prié M. le Général Kilpatrick, Envoyé Extraordinaire et Ministre Plénipotentiaire des Etats Unis d'Amérique, de communiquer aux Représentants accrédités auprès de la République du Chile.

Dans ce document son Excellence annonce que les canons de l'escadre Espagnole bombarderont la ville de Valparaiso et toute autre place qui lui paraîtra convenable, donnant pour la première un terme de quatre jours afin que les intérêts neutres puissent être sauvegardés.

Les raisons sur lesquelles ce procédé est basé sont, selon le manifeste, que le Gouvernement d'Espagne a commencé la guerre fondé dans la justice de sa cause ; que ses tentatives pour disposer le Chile à une conciliation, soit par la mansuétude et la tolérance apportées dans l'exécution du blocus, soit par l'empressement du Cabinet de Madrid à accepter les bons offices de l'Angleterre et de la France pour terminer les différends existants conformément aux prescriptions de la justice, ont été infructueuses ; qu'il est impossible d'attaquer les bâtiments de guerre Chiliens dans la position qu'ils occupent, laquelle est inaccessible aux navires de l'escadre Espagnole.

Le Soussigné ne se croit pas appelé à examiner les causes de la guerre actuelle, ou l'insuccès des tentatives faites jusqu'ici pour y mettre un terme par la conciliation ou par les armes, mais il est de son devoir de rappeler à son Excellence les circonstances suivantes qu'elle ne peut manquer de connaître.

En bombardant Valparaiso son Excellence ne procéderait pas contre le Chile, mais contre les sujets et les intérêts des Puissances neutres. En employant cette rigueur elle porterait des préjudices immenses à des pays qui sont en relation d'amitié avec l'Espagne, comme la Grande Bretagne, la France, les Etats-Unis d'Amérique, la Prusse et les autres pays d'Allemagne. En attaquant à une ville ouverte et sans défense elle agirait contre les usages de la guerre, contre les règles établies par le droit international, et contre les lois de l'humanité. Un délai de quatre jours est d'ailleurs tout-à fait insuffisant pour évacuer une ville comme Valparaiso, qui compte une population de plus de 70,000 habitants, et la propriété des neutres estimée en marchandises seulement à plus de 40,000,000 piastres ne

peut être transportée dans un pareil délai hors de la portée des canons. La destruction de Valparaiso n'aurait pour l'Espagne aucun résultat favorable au point de vue militaire, tandis qu'elle exciterait chez les Chiliens des sentiments de vengeance qui rendrait la guerre interminable.

Le Soussigné en appelant l'attention de son Excellence sur les circonstances précitées aime à croire qu'elle renoncera aux procédés indiqués dans son manifeste.

Pour le cas où cette espérance serait frustrée, le Soussigné proteste contre le bombardement de Valparaiso, en réservant à son Gouvernement tous les droits qu'il en puisse déduire.

Le Soussigné, &c.

(Signé)

WM. TAYLOUR THOMSON.

(Translation.)

Santiago, March 29, 1866.

THE Undersigned, &c., has taken into consideration the manifesto of the 27th of this month which his Excellency M. Casto Mendez Nuñez, &c., begged General Kilpatrick, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, to communicate to the Representatives accredited to the Republic of Chile.

In this document his Excellency announces that the Spanish squadron will bombard the city of Valparaiso and any other place that he may consider advisable, granting to the former a delay of four days for the protection of neutral interests.

The reasons given for this intention are, according to the manifesto, that the Spanish Government commenced the war convinced of the justice of its cause; that its efforts to dispose Chile towards conciliation, either by leniency and the moderation evinced in carrying out the blockade, or by the readiness of the Cabinet of Madrid to accept the good offices of England and France for terminating the existing differences conformably with the dictates of justice, have been fruitless; that it is impossible to attack the Chilean ships of war in the position which they have taken up, which is inaccessible to the ships of the Spanish squadron.

The Undersigned does not consider himself called upon to examine the causes of the present war, or the failure of the attempts hitherto made to bring it to an end by conciliation or by force of arms, but it becomes his duty to recall to his Excellency the following circumstances, which he cannot fail to be aware of.

In bombarding Valparaiso his Excellency would not be acting against Chile, but against the subjects and interests of neutral Powers. In having recourse to this extremity his Excellency would cause great losses to countries, such as Great Britain, France, the United States of America, Prussia and the other States of Germany, which are on friendly terms with Spain. By attacking an open and defenceless town his Excellency would be acting contrary to the usages of war, against the rules laid down by international law, as well as against the laws of humanity. A delay of four days is, moreover, quite insufficient for the evacuation of a city like Valparaiso, which has a population of upwards of 70,000 inhabitants, and neutral property, estimated in merchandize alone at more than 40,000,000 dollars, which cannot be removed beyond the range of guns in so short a space of time. The destruction of Valparaiso would give Spain no advantage in a military point of view, whilst, on the other hand, it would arouse in the Chileans feelings of vengeance which would render the war interminable.

The Undersigned, in calling the attention of his Excellency to the above-mentioned circumstances, trusts that he will renounce the intention announced in his manifesto.

Should this hope not be realized, the Undersigned protests against the bombardment of Valparaiso, reserving to his Government all the rights which may derive therefrom.

The Undersigned, &c. (Signed) WM. TAYLOUR THOMSON.

Inclosure 3 in No. 224.

Commodore Nuñez to Mr. Thomson.

(Translation.)

Sir, "Numancia," Valparaiso, March 30, 1866.

I HAVE received your communication of yesterday's date, in which, in reply to the manifest which I had the honour to address to the Diplomatic Body accredited in Chile, through the Minister of the United States, stating the causes which unfortunately rendered it necessary for me to have recourse to the extremity of bombarding Valparaiso, you were pleased to protest against this act of warfare, in so far as concerned your countrymen.

Being obliged, by the incredible obstinacy of the Government of the Republic, which has rejected all means of accommodation, to carry to-morrow into effect the indispensable measure of rigour to which I have alluded, the responsibility for all losses which neutral

subjects residing in Valparaiso may suffer in consequence of the bombardment will, from that circumstance, fall upon the Republic.

I avail, &c.
(Signed) CASTO MENDEZ NUNEZ.

No. 225.

Mr. Thomson to the Earl of Clarendon.—(Received May 14.)

My Lord,

Valparaiso, March 31, 1866.

THE Chilean Government have sent a formal challenge to the Spanish Commander-in-chief to leave his iron-clad in the Bay of Valparaiso, and determine their differences by a fight between his and an equal number of the Chilean-Peruvian wooden ships. This is in consequence of Señor Mendez Nuñez having stated in his Manifest, with the view of showing that nothing but bombardment was left to him, that he had been to seek their vessels, but could not get near them, from the shallowness of the water.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

No. 226.

Mr. Thomson to the Earl of Clarendon.—(Received May 14.)

My Lord,

Valparaiso, April 2, 1866.

ON the evening of the 27th a deputation from the British community called upon me to know if Her Majesty's ships of war would be employed to defend Valparaiso against the threatened bombardment. They said they had first asked Admiral Denman, and had been informed it was a matter which I had to determine; and that they had therefore now come to me to know if they were to receive that protection. I said I was deeply grieved to see the condition to which matters had now arrived; that every exertion had been made by me to re-establish peace; that from my communications with the Chilean Government, and conference of that morning with the Spanish Commander-in-chief, I was of opinion the bombardment would not be averted; that I was aware such an event must bring with it a heavy loss upon the foreign residents, and on none more than my countrymen: but that the threat of bombardment had for a long time been hanging over them; that permission had been obtained for them to remove their merchandize to a place of safety, free of duty; and intimation having been given that they were not to expect compensation for losses to their merchandize from the operations of the belligerent, they should have removed it; that I had not authority, and, under the circumstances of the case, could not call upon Admiral Denman to act where neutrality was declared by our Government. But I said there was only one chance remaining, and though it was but a slight one I should try it, which was, to make a last call upon the Chilean Government to come to terms. I explained to them the peculiar position in which we were placed: that Her Majesty's Government and that of France had proposed terms of peace which, in the opinion of those Governments, could be accepted honourably by both belligerents; that Spain had done so, and Chile had not; that, under these circumstances, I was of opinion that the neutrals residing here, who would alone be the sufferers, and to an immense amount, had a right to expect from the rulers of the country that their property should not be sacrificed lightly; that if such a representation were made, it would not be without value in strengthening the last call I was about to make on the Chilean Government.

The indication, however, was not accepted. They told me the whole of the responsibility of the non-employment of Her Majesty's naval forces lay with me, and that as I had declined to do so, they must see what measures they should adopt. I replied, that I admitted the greatness of the responsibility I incurred; that I felt deeply the losses which the bombardment would inflict, but that it was the general interests of England, and not those of a portion of her commerce—however valuable that portion might be—and the limits of my official faculties, which guided me in the determination I had come to.

The above is an outline; but I think it contains the substance of what passed between the deputation and myself.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

Mr. Thomson to the Earl of Clarendon.—(Received May 14.)

My Lord,

Valparaiso, April 2, 1866.

I HAVE the honour to transmit to your Lordship a copy of a letter addressed to me by Mr. Hayne, as Chairman of a meeting of British residents held at Valparaiso, inclosing to me a copy of the Resolutions passed at that meeting.

As it is stated in the ninth of the above Resolutions that a copy of them shall be transmitted by the Chairman to your Lordship, it is unnecessary for me to inclose a duplicate.

No copy of the statement of facts has been sent to me, and it is not my intention to offer any remark on the Resolutions, with the exception of the sixth, in which it is stated that, there having long existed an estrangement between me and the Valparaiso British community, I was unfit to represent their interests, and those interests had consequently suffered.

On this point I would beg leave to state, with the highest respect, but most emphatically, that in matters of public business I know neither personal friend nor foe, and that I was ready at every moment to give my earnest attention and use my best endeavours in the adjustment of every matter in which their interests as British subjects were involved, and to receive them individually with the courtesy and attention usual in the personal intercourse of gentlemen.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

Inclosure in No. 227.

The Chairman of Committee of British Subjects at Valparaiso to Mr. Thomson.

Sir,

Valparaiso, March 30, 1866.

IN pursuance of No. 9 of the Resolutions passed at a meeting of British residents held in this city yesterday, I beg leave to inclose to you a copy of the Resolutions passed at said meeting.

I have, &c.
(Signed) J. C. HAYNE.

No. 228.

Mr. Thomson to the Earl of Clarendon.—(Received May 14.)

My Lord,

Valparaiso, April 3, 1866.

ON the evening of the 29th ultimo M. Flory and myself returned to Santiago, and immediately waited upon the President. We announced to him the certainty of the bombardment of Valparaiso, unless the Government accepted peace on the terms proposed by our Governments, and found, as we had anticipated, that he and his Government were resolved to yield nothing. His Excellency now said that he still desired peace, and was willing that it should be obtained by negotiation with Señor Mendez Nuñez; but that no negotiation would be entered into unless he previously withdrew his squadron to the Atlantic, retained only one vessel at Valparaiso, and came to Santiago to present his credentials as a Plenipotentiary in the usual form, so different from the language formerly held by Señor Covarrubias, "that they would retort acts of savageness by similar acts."

At this interview M. Flory and I had the satisfaction of expressing to his Excellency our satisfaction at the honourable determination he and his Government had come to with respect to the mode in which the war is to be carried on.

The President informed us that, however barbarous the acts of the Spaniards might be, his Government were determined to carry on this war in the manner of civilized nations, and that, in order to ensure the safety of the Spanish prisoners of war, they had placed double guards over them, and they would be carefully protected.

I have, &c.
(Signed) WM. TAYLOUR THOMSON.

Mr. Thomson to the Earl of Clarendon.—(Received May 14.)

My Lord,

Valparaiso, April 3, 1866.

ON the morning of the 30th ultimo I saw the Minister for Foreign Affairs and said that one, and the principal, object of my return from Valparaiso to Santiago on the previous day, was to ascertain the intentions of the Government with regard to the Spaniards who, having been detained when the war broke out, had been placed under British protection; that it had given me great pleasure to learn on the preceding night from the President of the Republic, the steps that had been taken to insure the safety of the Spanish prisoners of war, but that as they alone had been mentioned by his Excellency I wished to know the intentions of the Government with respect to the others. Señor Covarrubias replied that notwithstanding the infamous manner in which the Spaniards had conducted themselves, the determination of the Chilean Government was not only to protect the prisoners of war, but also to give the same protection to those who had been detained; and that I might rest assured that every means in the power of the Government would be exerted to ensure their safety. I told him that this determination was most honourable to his Government; that I had come to Santiago to watch over their safety when the news of the bombardment should reach it, but with such assurances from him I thought I should return to Valparaiso to be present when the bombardment occurred, as events might occur there affecting British subjects which would render it desirable that I should be in the position of communicating, without loss of time, with the British Admiral there. He said that in so far as the detained Spaniards, I might do so with full security of their safety.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

Mr. Thomson to the Earl of Clarendon.—(Received May 14.)

My Lord,

Valparaiso, April 3, 1866.

HER Majesty's Government will be greatly pained to learn that the threatened bombardment of Valparaiso has taken place, and at the time notified in the manifesto to the Diplomatic Body in my despatch of the 30th ultimo.

Señor Mendez Nuñez had given notice to Admiral Denman, to the Consular Body, and other local authorities, that a gun would be fired one hour before the fire was opened on the town, and that a Spanish ensign would be hoisted at the fore-yard-arm of his ship when the bombardment had ceased.

On the morning of the 31st of March the "Numancia," "Villa de Madrid," "Resolución," "Blanca," and "Vencedora," steamed slowly in a circle in that portion of the bay extending from the Custom warehouses to the railway station.

At 8 minutes past 8 the gun advising people on shore to keep out of range was fired. At 8 minutes past 12 the ensign at the fore-yard-arm of the "Numancia" announced the termination of the bombardment. The "Numancia" herself took no part in the firing.

The buildings of Valparaiso are, with the exception of the bonded warehouses, of light construction, and from this reason the shots did no damage, unless where they actually struck. The chief firing was directed against the part I have referred to, the bonded warehouses, the public buildings of the Intendencia, and the railway station.

The damage done by the shots might be repaired in a few days and at little cost, but unfortunately two-thirds of the bonded warehouses, with merchandize, valued roughly, and probably considerably overvalued, at 10,000,000 dollars, belonging to neutrals, have been entirely destroyed by fire, as well as a portion of the streets Planhada and Cochrane, extending from the Intendencia buildings towards the Custom stores, and in which Messrs. Templeman and Co. and other British merchants have their stores.

The other parts of the town have not been touched, and only two or three deaths have been reported.

The fire brigade of Valparaiso, formed of volunteers, is well organized, and, from the frequency of fires, in perfect training; and as the Government had caused the fire brigade of Santiago to be transported to Valparaiso on the 30th, the united corps, aided by men from the English and American ships of war, were, as soon as the bombardment ceased, engaged in extinguishing the conflagration, and succeeded in saving one-third of the

Custom warehouses. A large body of troops having also been brought to the town, and judiciously placed, contrary to what was anticipated no pillage took place.

The Chilean Government deserves praise for having taken effectual measures that not a gun should be fired from the town, otherwise the whole of the city would in a few hours have been in ashes.

The next steps to be taken by the Spanish Commander are yet unknown, but he has informed Admiral Denman, through Commodore de Courcy, and in the presence of Mr. Consul Rouse and the French Consul, that no other attack will be made on Valparaiso unless under very gross provocation.

I have, &c.

(Signed) WM. TAYLOUR THOMSON.

No. 231.

Mr. Barton to the Earl of Clarendon.—(Received May 14.)

My Lord,

Lima, April 10, 1866.

I HAVE the honour to acquaint your Lordship that an official note has been sent from the Prefect of Callao to the British Consulate at that port, announcing that by order of the Supreme Government on the 11th of March last the national flag was hauled down from the Castle of the Independence with the honours according to the ordinances, on account of having removed all the guns from the fortress, which from that day becomes a dépôt for merchandize (the Custom-house). A Decree of nearly the same tenour was published dated the 7th of March, 1836, when the castles were first used as a Custom-house, but was never carried into effect, the guns facing the bay being kept in their positions for the purposes of salutes.

The castles are now entirely disarmed.

The object of this Decree is evidently to prevent, if possible, the Spanish ships from firing on the castles and town.

The town of Callao is situated to the north-eastward of the castles, and to the southern and westward are three small batteries, one with two Blakely guns of 300 lbs. shot each facing to the north, and two others of heavy guns; one of these latter protects the entrance to the Boqueron passage from the north, and the other from the south.

I have, &c.

(Signed) JOHN BARTON.

No. 232.

Mr. Barton to the Earl of Clarendon.—(Received May 14.)

(Extract.)

Lima, April 12, 1866.

THE arrival of the news of the bombardment of Valparaiso by the Spanish squadron has caused a great sensation here, and the Government is taking up all the Spaniards, and sealing up their establishments.

The merchants are anxious to get their goods out of the Custom-house at Callao, and have made a representation to that effect to the Peruvian Government.

The Ministers, both of Foreign Affairs and Finance, have promised me that they will facilitate this operation by all the means in the power of the Government.

I inquired of his Excellency the Secretary of State for Foreign Affairs verbally, what were the intentions of the Government in case the Spanish Admiral should make his appearance in the Bay of Callao,—if they would attack or wait to be attacked?

His Excellency's answer was, that the Government had not at present considered that point, but that even had they done so, he could only answer me by saying that they must be governed by circumstances.

I need hardly state that the opportunity for exhortation to a peaceful policy, recommended in your Lordship's despatch of the 30th of January last, is by the last act of the Spanish Admiral in Valparaiso further off than ever; in fact I feel convinced that the Peruvian Government would not listen to any proposal of the kind.

M. de Molins to the Earl of Clarendon.—(Received May 14.)

(Translation.)

My Lord,

Spanish Legation in London, May 12, 1866.

AT my interview with your Excellency on the 2nd instant, I had the honour to state to you that my principal object in engaging your attention was to ask officially what answer the British Government had received by the last mail from the Pacific to the offer of its good offices for the settlement of the matters pending between Spain and the Republic of Chile.

Your Excellency was pleased to reply that that country had not as yet given a definitive answer, which was made to depend upon that which its ally Peru might give; upon which I submitted to your Excellency's attention that as the Memorandum respecting the said settlement arranged by common consent between the Cabinets of England and France, and accepted by Spain, had arrived in Chile at the end of January, it was calculated that by the 18th of March, the date of the latest intelligence from Valparaiso, the Government of Santiago, and its ally the Cabinet of Lima, had had more than a month and a-half to agree upon the answer that was waited for.

Your Excellency acknowledged that it was so, and added that we had a right not only to require that answer, granting that sufficient time had elapsed to get it, but also to consider it at once as negative, and to act accordingly.

I said then that I received that observation as official, and that I would communicate it to Her Majesty's Government. Your Excellency agreed to this, and I said besides, on the occasion referred to, that in showing ourselves so active in the matter, our principal object was that the respective positions should be clearly defined, showing by this very fact the prudence and calmness with which we had proceeded on our part, as well as the suspicious conduct of Chile, that was refusing, by pretexts and delays, the only decent manner of ending the dispute.

At the conclusion of the conference I stated that I considered myself at liberty to interpret the silence of the allied Republics as a negative, or to request from the British Cabinet, by means of a note, the confirmation of the reply which your Excellency had given to my questions.

This latter is the object of the present communication; and in addressing it to your Excellency, by order of my Government, I cannot but call your attention again to the different conduct of Spain and Chile towards the two mediating Powers.

Spain at once showed herself ready to accept the proffered good offices by complying with the proposal of those Powers for the settlement of the question; and Chile has had recourse to unjustifiable evasions and delays which clearly show that she rejects the mediation, and entertains views prejudicial to Spain, which it is our duty and our right to counteract.

Convinced of this truth, the Commander of the Spanish squadron will probably have acted according to events, and as was fitting, considering the determination shown by Chile to entrust the solution of the dispute to other means than the good offices of England and France.

I therefore fulfil my duty in recording it thus on this occasion, in order to decline all the moral responsibility which it may be sought to attribute to the Spanish forces in the hostilities which they have found themselves obliged to undertake against an enemy who, after persisting in prolonging a state of things which causes so many evils, constantly refuses the combat, puts his ships out of the way of all danger of injury from ours, and while having recourse to privateering, torpedos, and the most unjust persecution of defenceless Spaniards, seeks nevertheless to shield himself against the just reprisals for such reprobated means of warfare, by abandoning the defence of his coasts.

Your Excellency will know how to estimate these considerations duly; and I have no doubt that the conviction of the justice upon which they are founded will remain impressed on your Excellency's mind.

I avail, &c.

(Signed) THE MARQUIS DE MOLINS.

The Secretary to the Admiralty to Mr. Hammond.—(Received May 14.)

Sir,

Admiralty, May 14, 1866.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Clarendon, copies of three letters from Rear-Admiral the Honourable J. Denman, dated the 29th and 31st March and 2nd April, relating to the state of affairs in Chile, and the bombardment of Valparaiso by the Spanish blockading squadron.

I am, &c.
(Signed) W. G. ROMAINE.

Inclosure 1 in No. 234.

Rear-Admiral Denman to the Secretary to the Admiralty.

Sir,

"Sutlej," Valparaiso, March 29, 1866.

WITH reference to my letter of the 17th instant, I omitted to state that Commodore Rodgers having expressed his desire to act with me in case of an indiscriminate attack on the town by bombardment without previous notice, should a torpedo be exploded against the Spanish squadron, I agreed that, if such a case should occur, we would act in concert in insisting on no attack on the town taking place until after sufficient notice had been given to enable the population, native as well as neutral, to quit the city. This understanding was confidential between us until the occasion for acting should arise.

2. I have had reason to believe that the Chilean authorities have for some time abandoned the idea of using torpedos; and for this reason it seemed unimportant to mention it, but on further consideration I think it better to do so.

I have, &c.
(Signed) J. G. DENMAN.

Inclosure 2 in No. 234.

Rear-Admiral Denman to the Secretary to the Admiralty.

Sir,

"Sutlej," Valparaiso, March 31, 1866.

IN continuation of my last report I beg you will inform the Lords Commissioners of the Admiralty that I have sent the "Shearwater" to Callao to endeavour to arrange about the mails of the belligerents.

2. On the afternoon of Saturday, the 24th instant, some English merchants called on me and stated that the Spanish Brigadier-General was, they believed, about to bombard the town, and expressed their desire to address me on the subject, and informing me that several of the foreign Consuls entertained the same desire.

3. Next day, Sunday, the 25th, I went on board the Spanish flag-ship to inquire into the truth of the above rumour, thinking it probable that if it were correct, and if, as I believe, it had been decided on upon the Brigadier-General's sole responsibility, that I might induce him to suspend operations until orders arrived from Spain. He informed me that the United States' Minister had proposed certain terms of accommodation, and was about to proceed with them to the Government of Santiago. He stated that these terms did not emanate from himself, but had been suggested by the United States' Minister.

4. He then declared that if these terms were not accepted by 8 A.M. on Tuesday, the 27th, he should issue a manifesto, and would bombard the town of Valparaiso after a short interval. In answer to my strong remonstrances, urging him to postpone this measure until he could hear from Spain, the Brigadier-General stated that he had already received most stringent orders from his Government, which left him no option whatever; and that he had delayed his operations to the utmost possible limit.

5. He solemnly promised me to use every precaution in his power to prevent injury to life and private property, and to confine his fire as much as possible to public buildings; but while he expressed great pain at the duty imposed upon him, he declared he was firmly resolved to fulfil his orders.

6. Commodore Rodgers, United States' Navy, informed me of the circumstances before he proceeded to Santiago on Sunday afternoon, and I sent Commodore de Courcy

to inform Mr. Thomson, the British Minister, of what was in progress, but desired him to do so confidentially, and not to mix himself up with the proceedings of the United States' authorities, as it was for Mr. Thomson to consider whether or no he would be able to unite with him.

7. On ascertaining that the Brigadier-General had special instructions from his own Government, I requested the British Consul, who had accompanied me to the "Numancia," to inform the Consuls and merchants that, under these circumstances, my instructions rendered it impossible for me to interfere beyond using my efforts to prevent injury to private interests, and to inform them of the promise I had received from Brigadier-General Nuñez to that effect.

8. Next day I received applications from the Consuls of the States named in the margin,* and from the English, French, and German residents, requesting my protection against the bombardment, to which I replied to the same effect, offering refuge to any one desiring it on board Her Majesty's ships.

9. Yesterday, the 30th March (Good Friday), Brigadier-General Nuñez came on board to inform me that, of his own accord, Commodore Rodgers had again proceeded to Santiago, but that the Brigadier-General had authorized him to say that if one of the Ministers would come on board the Spanish flag-ship, on the part of the Government, and acknowledge that in the absence of all power to resist on the part of Chile it would be an act of generosity if the Brigadier-General were not to bombard the town; and if the Minister would promise, on the part of his Government, to fulfil the conditions already proposed by the United States' Minister on Sunday the 25th, that he would even still abstain from a bombardment; but if the promise thus made by the Minister was not exactly fulfilled by the Chilean Government, that he would then bombard the town according to the manifest already issued, and without further notice. I took this opportunity of obtaining a promise from Brigadier-General Nuñez that he would hoist a Spanish flag at the fore-yardarm as a signal when the bombardment was definitely over. Very shortly after this interview the Brigadier-General received a letter, published in the newspapers as soon as it reached him, a copy of which I inclose, which he considered as fatal to all prospect of accommodation.

10. The "Devastation" moved the "Nereus," the French Government store-ship "Egène," and two merchant-ships from the bay to the anchorage at Salinas, and the United States' squadron, as well as the ships under my orders, will proceed to the same quarter this morning, before the bombardment commences.

11. I regret to say that many of the English merchants will probably suffer very severe losses; but while I deeply sympathize with them, I could not approve of the intention announced to me by a deputation, who stated to me on Thursday, 29th March, that as I considered myself bound to a strict neutrality, they should appeal to the United States' Commodore for protection.

12. I shall continue my Report before the mail sails for England.

I have, &c.
(Signed) J. G. DENMAN.

Inclosure 3 in No. 234.

Señor Villalon to Commodore Nuñez.

Sir,

Valparaiso, March 30, 1866.

UNDER this date the Secretary of the Navy writes to me as follows:—

"The Government of the Republic has become aware, by means of the daily press, of the Manifest which the enemy's squadron has addressed to the foreign Diplomatic Corps resident at Santiago. In this document it is pretended to give out that the Spanish squadron was made to resort to the execrable measure of bombarding the peaceful and defenceless city, on account of the absolute impossibility of measuring his forces with the small Chilean-Peruvian squadron, on account of the continued fogs and cracked channels of the Archipelago of Chiloe.

"This unfortunate statement, by which a Power which boasts of its culture and generosity endeavours to palliate the most unjustifiable of outrages, is done away with when it is remembered that the Spanish ships had no difficulty in penetrating as far as the rendezvous of Abtao, and if they have not also penetrated into the new rendezvous of our squadron, it can only be attributed to an unwillingness to do so. In fact, it is not

* Argentine Republic, Austria, Belgium, Bremen and Oldenburg, Denmark, Hamburg, Hanover, Lubeck, Netherlands, Prussia, Sweden and Norway.

conceived how it was impossible for the Spanish frigates 'Blanca,' 'Resolucion,' 'Berenguela,' and 'Villa de Madrid,' and much less for the corvette 'Vencedora,' to enter into a channel which the Peruvian frigate 'Apurimac,' with much less draft than the foregoing, has navigated without difficulty. Moreover, the depth of the channel in question gave in reality to the iron-clad frigate 'Numancia' free and easy access up to the rendezvous of the Chilean and Peruvian vessels. But since the Chief of the enemy's squadron has alleged this impossibility, really illusory, as an excuse for the impending bombardment, his Excellency the President of the Republic has thought proper to take away from that act of barbarous war the smallest pretext which may serve to excuse it. For this purpose he has given instructions to order your Excellency as follows:—

"You will address the Chief of the enemy, Don Casto Mendez Nuñez, proposing to him a combat between the maritime forces which Chile and Peru have at their disposal, and those which the Spanish Chief has under his command. As these latter forces are at present incomparably superior to the former, not only on account of the number of their guns but also on account of the iron plating and other advantages of the frigate "Numancia," this vessel ought not to take part in the combat, and the elements of aggression to be employed in it should be rendered equal on either side. In order that the fogs and channels of Chiloe may not be a reason to refuse this proposition, let the engagement take place ten miles from this port, at a point where the Chilean-Peruvian squadron will immediately proceed. Furthermore, the details of the combat to be arranged by the Commodore of the naval forces of the United States in these waters, who kindly consents to act as judge of the combat.

"The result of this combat will involve the close of the present war.

"If Spain sincerely desires peace, if the brave and chivalrous spirit which she boasts are not vain words, Señor Mendez Nuñez can hardly fail to admit an international duel which is equally in consonance with the loyalty of civilized war, the interest of peace and humanity, and which will spare him the perpetration of the odious act of which he is about to be the instrument in bombarding Valparaiso."

Reproducing the proposition in the note which I have just transcribed to your Excellency, I have the honour to ask that you will be pleased to give me as early a reply as the present circumstances demand.

With sentiments, &c.

(Signed) VICENTE VILLALON.

Inclosure 4 in No. 234.

Rear-Admiral Denman to the Secretary to the Admiralty.

Sir,

"Sutlej," Valparaiso, April 2, 1866.

IN continuation of my letter of Saturday the 31st March, I have to inform their Lordships that at 9 o'clock on that morning the Spanish squadron, consisting of the "Villa de Madrid," "Resolucion," "Blanca," and "Berenguela," steam-frigates, and the "Vencedora," gun-vessel, commenced firing from a short distance at the Custom-house, the Bolsa, and the Intendente's residence (in a line with the Bolsa, and about 150 yards in its rear), and also at the railway station at the other end of the town, and a battery which had been preparing on the hill behind it, but where no guns were mounted. The "Numancia," iron-clad frigate, kept rather outside them, and did not fire. The ships remained under weigh close to the town, and care appeared to be taken to prevent injury to private property. No return to the fire was made from the shore.

2. A few minutes before noon the Custom-house was in flames, and there was also a fire in the town, between the Intendente's residence and the Custom-house, when the Spanish Commodore made the signal agreed on that the bombardment would not be renewed, and proceeded to the anchorage at Salinas, where the squadron is still lying.

3. I do not believe a single shot was fired on the part of the town between the Bolsa and the railway station, where most of the English merchants reside; and their losses consist of the goods burnt in the Custom-house, where there was a large amount of British property.

About one-third of the Custom-house remains standing, and although struck by several shot I hope the goods may not be much damaged. I regret to hear that one or two houses belonging to British subjects have been burnt in the fire which broke out in the town.

4. Immediately on the termination of the bombardment I returned to the anchorage at Valparaiso; and my offer to send men to subdue the fire being accepted, I sent on shore 150 men from this ship for the purpose, in charge of Commander Sullivan, until 4 o'clock;

when a message came from the General, requesting that they might be sent on board, as all the Fire Companies at Santiago had been sent down, and their services were not required, which was, of course, complied with, greatly to the regret of Dr. Reid, the head of the Fire Companies at Valparaiso.

5. Some accusations had been made of plunder against our men, the falsehood of which was completely demonstrated to the officer who made the accusation, by Captain Sullivan, at whose request the persons accused were pointed out, and proved to be American seamen. And I have great pleasure in stating that the conduct of the men was most exemplary, and that, although aguadiente was carried about and offered them in large quantities, not a single man was in the slightest degree intoxicated.

6. The fire in the town increased considerably after the withdrawal of the "Sutlej's" men, and yesterday morning (Sunday) I offered to send them again if the Chilean firemen required help. My offer was, however, not accepted, and by the afternoon the fire was subdued, having done less damage than very frequently results from fires in the town arising from ordinary causes.

7. I am happy to hear that the loss of life has been much less than might have been expected, amounting, I am assured, only to two men killed.

8. The fire of the Spaniards at the east end of the town appears to have done no damage, and the railway trains were running yesterday as if nothing had occurred.

9. I regret to say that several of the English merchants have endeavoured to excite the feelings of the inhabitants against their own country, and I have forwarded, in another despatch, a copy of the resolutions passed at a public meeting, condemning the conduct of Mr. Thomson, the Minister, and myself, with my reply; and I regret to state that Mr. Thomson's despatches last received from England were stolen from his room at the Hotel Aubry last night.

I have, &c.
(Signed) J. G. DENMAN.

No. 235.

The Secretary to the Admiralty to Mr. Hammond.—(Received May 15.)

Sir,

Admiralty, May 14, 1866.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Clarendon, a copy of a letter from Rear-Admiral the Honourable J. Denman, dated April 2, with copies of two of its inclosures, viz., a letter dated the 26th March, from British merchants at Valparaiso, requesting him to co-operate with the United States' squadron to prevent the bombardment of the city by the Spaniards; and the Rear-Admiral's reply to certain Resolutions of the British residents, dated April 2.

I am, &c.
(Signed) W. G. ROMAINE.

Inclosure 1 in No. 235.

Rear-Admiral Denman to the Secretary to the Admiralty.

Sir,

"Sutlej," Valparaiso, April 2, 1866.

I BEG to inclose a copy of a letter from the merchants of Valparaiso, dated March 26 (Monday), and a copy of Resolutions, dated March 29, which I received on the following day, with my reply.

2. Several of the British residents, on Saturday the 24th, called on me, informing me of a rumour that the Spanish squadron was about to bombard the town, and stating they intended to address me on the subject, as also the foreign Consuls; but they had called upon me without delay, in order to save time.

3. I promised to do all in my power to prevent this calamity, which, having had no intimation from the Spanish Brigadier-General, and supposing that no fresh instructions had arrived from Spain, I believed would, if true, take place on his own responsibility. In this case I felt some confidence that I should be able to induce him to postpone such a measure until he had communicated with his Government.

4. I was very careful to avoid giving grounds for supposing that I should interfere in any other way than by remonstrance, taking care to inform those who had called upon me that I was bound by my orders to a strict neutrality.

5. Next day (Sunday) I called on the Brigadier-General on board his flag-ship, and have already detailed what took place on that occasion, in my letter of March 31.

6. Her Majesty's Consul, Mr. Rouse, accompanied me, and on our return I requested that he would inform any British residents, and any of the Consular body he might meet, that unless the proposals of the United States' Minister were accepted, the Brigadier-General would issue his Manifesto on Tuesday morning (the 27th) at 9 o'clock; and that he should bombard a few days afterwards.

7. On Monday morning (the 26th) my communication through Mr. Rouse was universally known. In the afternoon of that day I received the letter above referred to, of the 26th of March, and letters also from several foreign Consuls.

8. On Tuesday morning, the 27th, the Spanish Brigadier-General issued his manifesto stating that the bombardment would take place on Saturday, the 31st of March. Thus my communication through the Consul had the effect of giving authentic notice of the probable bombardment of the town upwards of thirty-six hours before it would have been otherwise known.

9. My report of the 2nd of April will have informed their Lordships of the details of the bombardment.

10. On the 30th of March I received the Resolutions referred to in the 1st paragraph of this letter, to which I beg to reply, referring to the several points which appear to require notice.

11. With reference to Resolution No. 2, I have the honour to state most distinctly that I never gave any "positive assurance that I would interfere by force, if necessary, to prevent a bombardment;" and that this assertion being untrue, it follows that the statement that I caused a "loss of much valuable time which might have been profitably employed in securing safety to life and property," is entirely contrary to facts.

Resolution No. 3, condemning "Rear-Admiral Denman's conduct as inconsistent with correct ideas of neutrality, which he stated he had strict orders to observe," &c., in having sent the "Shearwater" to Callao "for the protection of Spanish emissaries who left Valparaiso in the mail-steamer on the 17th instant," &c.

With reference to this charge I shall only observe, that the Resolution admitting that I had stated I was bound to strict neutrality directly contradicts and answers the assertion in Resolution No. 2, that "I would interfere by force, if necessary."

As regards the rest of the Resolution, no Spaniards from the squadron were sent by the steamer of the 17th ultimo, and the "Shearwater" was sent up to Callao to prevent any interference with the mail-steamers by the Peruvian authorities, which would have been a very serious matter to British merchants here, as of course had the Spanish mails been taken out at Callao the Spaniards would have cancelled the existing agreement.

Resolution No. 4.—I made no "plea of want of sufficient force to oppose the Spaniards," and "the co-operation of the United States' squadron" was not pressed upon me by its Commodore. The circumstances which took place on this subject are reported in my letter of the 29th March, and referred to the case of the bombardment of the town without notice, in case a torpedo was exploded against the Spanish squadron.

When the intention of bombarding the town by express orders direct from Spain was known, the United States' Commodore devoted himself to the attempt to prevent it by endeavouring to propose terms between the belligerents, which of itself shows that he had no intention of otherwise interfering; and he was, like myself, ordered to observe a strict neutrality.

Resolutions Nos. 5 and 6 do not appear to me to call for any observation, excepting that I have found Mr. Thomson, Her Majesty's Chargé d'Affaires, firmly carrying out his instructions under very considerable difficulties.

Resolution No. 7.—Having heard of the intention to address the United States' Minister, General Kilpatrick, and Commodore Rogers, as stated in my letter of the 31st of March, I expressed my opinion that such a course was not becoming to them as British merchants.

12. I have now to add, that the statement that the United States' Minister and Commodore used "their utmost endeavours to prevent, by co-operation with the British forces, the bombardment of the city," has no foundation whatever. The subject was never mentioned to me by General Kilpatrick at all, and by Commodore Rogers only with reference to the contingency explained in my letter of the 29th March relative to a bombardment without notice in case a torpedo was exploded against the Spanish squadron.

I have, &c.

(Signed) J. G. DENMAN.

Inclosure 2 in No. 235.

Merchants and Residents of Valparaiso to Rear-Admiral Denman.

Sir,

Valparaiso, March 26, 1866.

HAVING learnt from good authority that in conformity with orders received from his Government, the Commander of the Spanish squadron blockading this port intends to bombard this place, unless certain conditions, which we are led to understand have been laid down in an ultimatum presented to the Government of Chile, are complied with, we the undersigned British subjects residing in this place feel ourselves called upon to request your interference in the protection not only of our interests, but of the lives of ourselves, of our wives, and of our children.

It will not be unknown to you, Sir, that the larger part of the commerce carried on in Chile, and more especially in Valparaiso, is in the hands of your countrymen, who, confiding in the protection generally accorded to defenceless populations, have established themselves in this country, and now hold property belonging to themselves and many parties living in England of the value of several millions sterling. This property is deposited in the Custom-house stores and in the warehouses throughout the city.

Even supposing that the bombardment were limited to the Custom-house stores and other public buildings, the loss to neutrals would still be enormous, and the consequences arising therefrom frightful to contemplate.

The end of every justifiable war is to obtain compensation for an injury sustained. It is not for us to say whether the present war is justifiable or not on the part of Spain, but it is permitted for us to state, that even though it be so the compensation sought for is not to be obtained from neutrals instead of the belligerent; and it appears to us monstrous to suppose it should be held that because Spain wishes to inflict an injury to Chile the extent of which would not pass 500,000 dollars, she should be permitted to prejudice neutrals directly to the extent of more than forty times that amount in order to inflict that injury. Such is the case before us.

The Custom-house stores, with the ground upon which they stand, originally cost about 1,000,000 dollars; the injury to them by a bombardment would not pass one-half that amount. The property in those stores belongs entirely to neutrals, and is worth upwards of 20,000,000 dollars. Can it be sustained that in order to inflict an injury on Chile to the extent of part of the value of the warehouses, the property contained in them belonging to neutrals, and worth more than forty times the actual value of the buildings, is to be sacrificed?

Surely such a proceeding would be monstrous, even though there were no force here to prevent it; but as there is such a force, we have every confidence that the neutral commanders will not sanction it by non-interference, and that even in the last case they will insist on ample time being given to the neutrals to remove their property to a place of safety before the work of destruction commences.

We cannot remonstrate too strongly against the Spanish Commodore being permitted to destroy the Custom-house stores without the contents being previously removed; and we call your most serious attention to our strong belief that, under any circumstances, if the warehouses are set on fire in the course of the bombardment, as would almost certainly be the case, such a mass of inflammable matter once in flames, would spread to the populated part of the town, and there is no saying where the conflagration would then stop, as at such a moment the services of the fire brigades could not be available. Moreover, were the bombardment once to be commenced, even with the intention of only destroying the public buildings, the people would imagine the whole town were doomed to destruction; there would be an end to all authority; anarchy and confusion would reign, and the town would become a prey to the lawless rabble which such an event would produce, and which on all occasions of popular excitement in Valparaiso pour forth in immense numbers.

This consideration we beg to impress particularly upon you, as we have no hesitation in asserting that the first shot fired upon this place will be the signal for a scene of rapine and murder on the part of the lower classes here, which it will be impossible for the authorities of this place to restrain.

We therefore beg most earnestly to request that you will be pleased to employ the forces at your disposal in preventing any such act on the part of the Spanish commander, and we are the more emboldened to solicit this at your hands, from the knowledge that the Commodore of the American squadron, now in this port, is ready and anxious to co-operate with you, by force if necessary, to prevent the destruction of neutral life and

property which must inevitably ensue should this place be subjected to the horrors of a bombardment.

Feeling conscious that the British flag, which you so worthily represent, has always defended the cause of humanity wherever outraged, we are certain that this brief exposition will warrant you in co-operating with the American squadron, by force or otherwise, in averting the losses and dangers with which we are now menaced by even a partial bombardment of this defenceless city.

We have, &c.

(Signed) HUTH, GRUNING AND Co.
W. GIBBS AND Co.

(And 260 of the Merchants and Residents of Valparaiso.)

Inclosure 3 in No. 235.

Rear-Admiral Denman to Mr. Hayne and the British Residents of Valparaiso.

Gentlemen, "Sutlej," Valparaiso, April 2, 1866.

I HAVE to acknowledge the receipt of your letter of the 30th of March, inclosing Resolutions passed at a meeting of British merchants at Valparaiso.

I shall make no reply to your personal observations, but only express my sincere regret at the very heavy losses of property you have suffered, and at the same time urge upon you the duty of abstaining from any course of conduct calculated to excite ill feeling against your own country.

I am, &c.

(Signed) J. G. DENMAN.

No. 236.

The Earl of Clarendon to Mr. Thomson.

Sir, Foreign Office, May 15, 1866.

IN reply to your despatch of the 28th of March I have to acquaint you that I approve the letter you addressed to Rear-Admiral Denman in regard to the request of your French colleague that the French subjects at Valparaiso might be placed under British protection.

I am, &c.

(Signed) CLARENDON.

No. 237.

The Earl of Clarendon to Mr. Thomson.

Sir, Foreign Office, May 15, 1866.

I HAVE received your despatch of the 30th of March, inclosing copies of a correspondence with the Spanish Commander-in-chief in regard to his intention of bombarding Valparaiso, and I have to convey to you my approval of the note which, in conjunction with your French and Prussian colleagues, you addressed to Commodore Nuñez upon this subject.

I am, &c.

(Signed) CLARENDON.

No. 238.

The Earl of Clarendon to Mr. Thomson.

Sir, Foreign Office, May 15, 1866.

I HAVE received your despatch of the 3rd ultimo, and I have to convey to you my approval of the steps you took in regard to the safety of the Spanish subjects who were detained in Chile, and who had been placed under your protection.

I am, &c.

(Signed) CLARENDON.

The Earl of Clarendon to M. de Molins.

M. le Marquis,

Foreign Office, May 16, 1866.

I HAVE the honour to acknowledge the receipt of your note of the 12th instant, and it is with much regret that I am compelled to disagree with that portion of your note in which, after stating that on the 2nd of this month you had called my attention to the time that had elapsed between the receipt in Chile, at the end of January, of the Memorandum of Conditions on which England and France had supposed an arrangement might be made, and the 18th of March, at which time Chile and Peru had had more than a month and a half to agree upon an answer, you go on to say that I admitted that the Government of Her Catholic Majesty had a right not only to require that answer, granting that sufficient time had elapsed to get it, but also to consider it at once as negative, and to act accordingly, “*Vuestra Excelencia lo reconoció así, y añadió que estábamos en nuestro derecho, no solo al exigir aquella contestacion, dado que hubiese transcurrido tiempo suficiente para obtenerla, sino tambien suponiendola desde luego negativa y obrando en consecuencia.*”

My recollection of what passed between us on the 2nd of May is quite clear, and, in reply to your inquiry as to whether any answer had been received from Chile to the proposal of good offices on the part of England and France, I stated to you that the only communication which had reached me was an expression of the willingness of the Chilean Government to accept those good offices, but that it could not give a definitive answer without the assent of the Peruvian Government, with which Chile was then in alliance against Spain; that sufficient time for receiving that answer had certainly elapsed; and that I could only assure you that as soon as it was received, it should be communicated to the Spanish Government, and that if it was in the negative, or much longer delayed, that the Spanish Government would be justified in taking its own course.

Permit me to assure you that I could not have said that the Government of Her Catholic Majesty was at that time free to consider the proposed good offices as a settled question, first, because I thought otherwise, and fully expected that by the next mail a answer would have arrived; and secondly, because, as Her Majesty's Government had throughout acted in this matter with the Government of the Emperor of the French, it would have been unjustifiable on my part, without communication with that Government, to state that the obligations contracted by Spain with England and France by accepting their good offices were at an end.

The only practical importance which this difference between us could have had, would have been in the event of your inquiry having led the Government of Her Catholic Majesty to send orders for the bombardment of Valparaiso, but it appears that that lamentable event had taken place a whole month before I had the honour to hold this conversation with you at the Foreign Office, and that the instructions to Commodore Nuñez must therefore have been transmitted to him early in February, and without the slightest intimation to Her Majesty's Government, and I conclude to France also, of so serious a step having been prescribed to the Spanish Commander as the bombardment of a defenceless town in which a vast amount of neutral property was stored.

Information of this intended measure reached me unofficially on the 23rd of April, and I lost no time in conveying to the Government of Her Catholic Majesty an intimation of the painful impression which that intelligence had made on Her Majesty's Government, and how anxiously they desired to receive a contradiction of it; and my conviction that the same anxiety and desire would be felt in other countries whose subjects, equally with those of Her Majesty, are engaged in commercial dealings with Chile.

I am, &c.

(Signed) CLARENDON.

The Earl of Clarendon to Sir J. Crampton.

Sir,

Foreign Office, May 16, 1866.

THE accounts of the bombardment of Valparaiso by the Spanish squadron which were received on the 14th instant, I need scarcely tell you, have produced a most painful impression on the public mind in this country, while they have further caused no small surprise and dissatisfaction in that of Her Majesty's Government.

It seems that while the British and French Governments were exerting themselves, through their Representatives in Chile, and with the full concurrence of the Spanish Government, in order to bring about a reconciliation of existing differences between Spain and Chile, and before it was possible that the result of those exertions should be known in Europe, the Cabinet of Madrid, without any previous communication to England and France, sent out to the Commander of the Spanish forces off Valparaiso peremptory orders to bombard that town unless the Chilean Government acceded to the terms which the Representatives of England and France had laid before them, to which terms the Spanish Commander seems to have added, whether on the authority of instructions from home or on his own responsibility, a further condition involving the restitution, under the plea of exchange of prizes, of the Spanish vessel of war "Covadonga," which had been captured by the Chileans.

The painful impression which this want of candour in revealing the nature of the instructions sent to the Spanish Admiral was calculated to produce, is considerably enhanced by the manner in which, as reported in your despatch of the 28th of April, the Spanish Minister for Foreign Affairs evaded the direct appeal which, on the rumour reaching Her Majesty's Government towards the end of that month, I directed you, in my despatch of the 23rd of April, to make to him entreating the Spanish Government to disavow the imputation which was thrown upon it by such a rumour.

Events have proved that the rumour was well founded, although the Spanish Minister declined to admit that it was correct. The Spanish naval Commander admitted, shortly before he proceeded to execute them, to the British and other Representatives of neutral Powers, that the nature of his instructions were so peremptory that he could not delay their execution; and the result has been a wanton destruction unparalleled in modern times and unjustifiable on any grounds, of a vast amount of neutral property stored up in the magazines of a defenceless town, without any material damage to the enemies of Spain, but with most disastrous consequences for those whom Spain professes to regard as friends.

You will find in the despatches from Mr. Thomson and Rear-Admiral Denman of which I inclose copies, full details of all the circumstances of this lamentable affair, so far as they are known to Her Majesty's Government.

I must reserve for a further opportunity, and after communicating with the French Government, any further instructions for your guidance in this state of things. All that you have now to say to M. Bermudez de Castro is to express the deep concern of Her Majesty's Government at the measure which has been taken by that of Spain, at a time and under circumstances which ought to have rendered it impossible.

On the morning that the news of the lamentable event at Valparaiso reached Her Majesty's Government, I received from the Marquis de Molins the letter dated May 12, of which I inclose a copy, together with a copy of my reply :* and you will observe that even in this last communication on the part of Her Catholic Majesty's Government, silence was still maintained as to the instructions which had been sent to the Spanish naval Commander.

I am, &c.

(Signed) CLARENDON.

P.S.—You will give a copy of this despatch to Señor Bermudez de Castro.

C.

No. 241.

The Earl of Clarendon to Earl Cowley.

My Lord,

Foreign Office, May 16, 1866.

I INCLOSE, under flying seal, a despatch which I have addressed to Her Majesty's Minister at Madrid,† on the subject of the late bombardment of Valparaiso by the Spanish naval forces.

The French Government will doubtless have received accounts of that deplorable event, and before I direct Sir John Crampton to make any observations beyond what I have now prescribed to him, I should wish to know the opinion of the French Government both on the event itself, and the circumstances under which it happened, and the course which it is incumbent on the two Governments to pursue.

Putting aside the vast amount of neutral property which has been thus wantonly destroyed under direct orders from Madrid, the reserve shown by the Spanish Government

* Nos. 233 and 239.

† No. 240.

towards the Governments of England and France as to the nature of the orders sent to the Spanish Naval Commander, appears to Her Majesty's Government to have evinced a want of respect to the two Governments which is deserving of their serious consideration.

Your Excellency may take a copy of my despatch to Sir J. Crampton and of my correspondence with the Marquis de Molins; of Mr. Thomson's and Rear-Admiral Denman's despatches I send you separate copies, which you may retain.

You will forward my despatch and its inclosures to Madrid by post if there is no other opportunity.

I am, &c.

(Signed) CLARENDON.

No. 242.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, May 16, 1866.

THE satisfaction which Her Majesty's Government might have derived from the assurance of the Spanish Commodore, reported at the close of your despatch of the 3rd of April, that no other attack would be made on Valparaiso unless under very grave provocation, is somewhat qualified by the uncertainty which appears to have existed as to the future destination of his squadron, and the possibility that he may have received orders to inflict on other defenceless towns in Chile or in Peru, similar blows of wanton devastation to that with which he had visited Valparaiso. Her Majesty's Government do not doubt that Rear-Admiral Denman and yourself, if any such intention was announced, will have used your utmost efforts of persuasion to engage the Spanish Commodore to desist from a repetition of such acts of violence. They fear, however, that your efforts will have been unavailing in the face of the instructions which the Spanish Government has too probably issued.

To you I have no comments to make on the late disastrous events at Valparaiso. Both Admiral Denman and yourself appear to have acted in strict conformity with your own instructions; you could not prevent, consistently with the neutral character of your Government, the execution by the Spanish Admiral of those that he had received.

Her Majesty's subjects may be assured of the concern which is felt by their Government at the losses they have sustained, and the only palliating circumstance in the whole transaction is that it was attended with little loss of life.

Her Majesty's Government will communicate to the Spanish Government the impression which they have derived from the attack of Valparaiso, not only as an occurrence wholly uncalled for, but as one which could hardly have been expected to have been enjoined by the Cabinet of Madrid, under the peculiar circumstances of the whole case.

I am, &c.

(Signed) CLARENDON.

No. 243.

Mr. Hammond to the Chairman of Committee of British Subjects at Valparaiso.

Sir,

Foreign Office, May 16, 1866.

I AM directed by the Earl of Clarendon to acknowledge the receipt of your letters of the 29th of March and 3rd of April, inclosing copies of Resolutions which had been passed at meetings of British residents at Valparaiso and Santiago, complaining of the conduct of Her Majesty's Chargé d'Affaires in Chile and of Rear-Admiral Denman in regard to the bombardment of the former city by the Spanish naval forces.

I am, &c.

(Signed) E. HAMMOND.

The Earl of Clarendon to Mr. Thomson.

Sir,

Foreign Office, May 16, 1866.

I TRANSMIT to you herewith under flying seal, for your information, the answer which I have caused to be addressed to Mr. Hayne,* who forwarded to me copies of the Resolutions passed at meetings held by British residents at Valparaiso and Santiago, complaining of the course pursued by you and Rear-Admiral Denman in regard to the bombardment of the former city.

I am, &c.
(Signed) CLARENDON.

* No. 243.

RETURN OF TREATIES

NOW IN FORCE BETWEEN

GREAT BRITAIN AND FOREIGN STATES

RELATING TO

COMMERCE, NAVIGATION, RECIPROCITY, &c.

Presented to both Houses of Parliament by Command of Her Majesty.

1866.

LONDON:

PRINTED BY HARRISON AND SONS.

A RETURN showing the several Treaties now in force between Great Britain and Foreign States, for Commerce, Navigation, and Reciprocity; the dates of the same, and the parties with whom contracted, distinguishing such as contain the Most Favoured clause, or regulate or provide for an Equalization of Shipping Dues.

Country.	Date.	Reciprocity.	Most favoured Nation.	Equalization of Shipping Dues.
Abyssinia	Nov. 2, 1849	Reciprocity ..	Most favoured.	
Anhalt.. .. .	May 30, 1865	See Prussia, &c. (Customs Union)		
Argentine Confederation ..	Feb. 2, 1825	Reciprocity ..	Most favoured	National treatment on vessels over 120 tons burthen.
Austria.. .. .	{ July 3, 1838	Reciprocity ..	{ Most favoured	National treatment.
	{ Dec. 16, 1865	Reciprocity ..	{ Conditional ..	
Baden	{ Mar. 2, 1841	See Prussia, &c. (Customs Union)		
Bavaria	{ May 30, 1865 }			
Belgium	July 23, 1862	Reciprocity ..	Most favoured	National treatment.
Bolivia.. .. .	Sept. 29, 1840	Reciprocity ..	Most favoured	National treatment.
Borneo.. .. .	May 27, 1847	..	Most favoured	British ships not to pay a higher duty than 1 dollar per ton (register) in ports of Borneo.
Bremen	{ Sept. 29, 1825	See Hans Towns		
	{ Aug. 3, 1841 }			
Brunswick	May 30, 1865	See Prussia, &c. (Customs Union)		
Chili	Oct. 4, 1854	Reciprocity ..	Most favoured	National treatment.
China	{ Oct. 8, 1843 }	..	Most favoured.	
	{ June 26, 1858 }			
	{ Oct. 24, 1860 }			
Columbia	Apr. 18, 1825	Reciprocity ..	Most favoured..	National treatment.
Costa Rica	Nov. 27, 1849	Reciprocity ..	{ Most favoured	National treatment.
			{ Conditional ..	
Denmark	June 16, 1824	Reciprocity ..	..	National treatment.
Dominica	Mar. 6, 1850	Reciprocity ..	{ Most favoured	National treatment.
			{ Conditional ..	
Equator	May 3, 1851	Reciprocity ..	{ Most favoured	National treatment.
			{ Conditional ..	
France	{ Jan. 26, 1826	{ Reciprocity	{ Most favoured	National treatment in direct trade and in ballast.
	{ Jan. 23, 1860	{ Navigation ..	{ Navigation ..	
		Reciprocity ..	Most favoured.*	National treatment.
Frankfort	{ May 13, 1832	Reciprocity ..	..	National treatment.
	{ Dec. 29, 1835 }			
Frankfort	{ Mar. 2, 1841	See Prussia, &c. (Customs Union)		
Germany	{ May 30, 1865 }			
Greece†	Oct. 4, 1837	Reciprocity ..	..	National treatment.

* As to duties on enumerated articles, and as to prohibitions of importation and exportation.

† By the Treaties with Greece of November 14, 1863, and March 29, 1864, for the annexation of the Ionian Islands, it was stipulated that foreign vessels and commerce in Ionian ports, and Ionian vessels and commerce in foreign ports, should remain on the same footing as before the Union.

Country.	Date.	Reciprocity.	Most favoured Nation.	Equalization of Shipping Dues.
Guatemala	Feb. 20, 1849	Reciprocity ..	{ Most favoured Conditional .. }	National treatment.
Hamburgh	{ Sept. 29, 1825 Aug. 3, 1841 }	See Hans Towns.		
Hanover	May 30, 1865	See Prussia, &c. (Customs Union)		
Hans Towns	{ Sept. 29, 1825 Aug. 3, 1841 }	Reciprocity ..	..	{ National treatment, direct. National treatment, indirect.
Hesse-Cassel	{ Mar. 2, 1841 May 30, 1865 }	See Prussia, &c. (Customs Union)		
Hesse-Darmstadt	{ Mar. 2, 1841 May 30, 1865 }	See Prussia, &c. (Customs Union)		
Honduras	Aug. 27, 1856	Reciprocity ..	Most favoured	National treatment.
Italy	Aug. 6, 1863	Reciprocity ..	Most favoured	National treatment.
Japan	Aug. 26, 1858	..	Most favoured.	
Johanna	June 3, 1850	Reciprocity ..	Most favoured	National treatment.
Liberia	Nov. 21, 1848	Reciprocity ..	{ Most favoured Conditional .. }	National treatment.
Lippe	May 30, 1865	See Prussia, &c. (Customs Union)		
Lubeck	{ Sept. 29, 1825 Aug. 3, 1841 }	See Hans Towns.		
Luxemburg	May 30, 1865	See Prussia, &c. (Customs Union)		
Mecklenburg-Schwerin	May 1, 1844	Reciprocity ..	Most favoured	National treatment.
Mecklenburg-Strelitz	May 1, 1844	Reciprocity ..	Most favoured	National treatment.
Mexico.	Dec. 26, 1826	Reciprocity ..	Most favoured	National treatment.
Morocco	Dec. 9, 1856	Reciprocity ..	Most favoured	National treatment.
Muscat.	May 31, 1839	..	Most favoured	Sum not exceeding 5 per cent. on im ports, to cover tonnage dues, &c.
Nassau.	{ Mar. 2, 1841 May 30, 1865 }	See Prussia, &c. (Customs Union)		
	Mar. 17, 1824	..	{ Most favoured East Indies .. }	
Netherlands	{ Oct. 27, 1837 Mar. 27, 1851 }	Reciprocity ..	{ Most favoured Conditional .. }	
	Mar. 27, 1851	..	..	National treatment.
Nicaragua	Feb. 11, 1860	Reciprocity ..	Most favoured	National treatment.
Oldenburg	{ Apr. 4, 1844 May 30, 1865 }	Reciprocity ..	Most favoured	National treatment.
	May 30, 1865	See Prussia, &c. (Customs Union)		
Persia	Mar. 4, 1857	..	Most favoured	
Peru	Apr. 10, 1850	Reciprocity ..	{ Most favoured Conditional .. }	National treatment on vessels over 200 tons burthen.
Portugal	July 3, 1842	Reciprocity ..	{ Most favoured Conditional .. }	National treatment, in direct trade and in ballast.
Prussia, &c. (Customs Union)	{ Mar. 2, 1841 May 30, 1865 }	Reciprocity ..	..	National treatment.
	May 30, 1865	Reciprocity ..	Most favoured	
	{ Apr. 2, 1824 Aug. 16, 1865 }	Reciprocity ..	..	National treatment.
Prussia.	{ Apr. 2, 1824 Aug. 16, 1865 }	{ Reciprocity .. Navigation .. }	Most favoured	National treatment.

Country.	Date.	Reciprocity.	Most favoured Nation.	Equalization of Shipping Dues.
Reuss (Elder and Younger branches)	{ Mar. 2, 1841 } { May 30, 1865 }	See Prussia, &c. (Customs Union)		
Roman States	Nov. 17, 1853	{ Reciprocity .. } { Navigation .. }	Most favoured	National treatment.
Russia	Jan. 12, 1859	Reciprocity ..	{ Most favoured } { Conditional .. }	National treatment.
Salvador	Oct. 24, 1862	Reciprocity ..	Most favoured	National treatment.
Sandwich Islands	July 10, 1851	Reciprocity ..	{ Most favoured } { Conditional .. }	National treatment.
Saxe-Weimar-Eisenach ..	{ Mar. 2, 1841 } { May 30, 1865 }	See Prussia, &c. (Customs Union)		
Saxe-Meiningen				
Saxe-Altenburg				
Saxe-Coburg-Gotha				
Saxony				
Schwarzburg-Rudolstadt ..				
Schwarzburg-Sondershausen ..	May 30, 1865	See Prussia, &c. (Customs Union)		
Schamburg-Lippe				
Siam	{ June 20, 1826 } { Apr. 18, 1855 } { May 13, 1856 }	..	Most favoured	British shipping exempt.
*Spain				
Sweden and Norway	Mar. 18, 1826	Reciprocity ..	Most favoured	{ National treatment. Decree, October 26, 1849.
Switzerland	Sept. 6, 1855	Reciprocity ..	Most favoured.	
Thuringian Union	{ Mar. 2, 1841 } { May 30, 1865 }	See Prussia, &c. (Customs Union)		
Turkey	{ Jan. 5, 1809 } { Apr. 29, 1861 }	Reciprocity .. Reciprocity ..	Most favoured. Most favoured	National treatment.
United States	{ July 3, 1815 } { Oct. 20, 1818 } { Aug. 6, 1827 }	Reciprocity ..	Most favoured.	
Uruguay	Aug. 26, 1842	Reciprocity ..	{ Most favoured } { Conditional .. }	National treatment.
Venezuela	{ Apr. 18, 1825 } { Nov. 7, 1825 } { Oct. 29, 1834 }	Reciprocity ..	Most favoured	National treatment.
Waldeck and Pyrmont	May 30, 1865	See Prussia, &c. (Customs Union)		
Wurtemberg	{ Mar. 2, 1841 } { May 30, 1865 }	See Prussia, &c. (Customs Union)		
Zollverein	May 30, 1865	See Prussia, &c. (Customs Union)		

* By an Additional Article to the Treaty of July 5, 1814, Great Britain was admitted to trade with Spain, pending the negotiation of a new Treaty of Commerce, upon the same conditions as existed before 1796; the Additional Article also ratified and confirmed all Treaties of Commerce which at that period subsisted between the two nations. By the British Order in Council of August 18, 1852, the trade and shipping of Spain were relieved from differential duties; and by the Spanish Royal Order of September 7, 1852, British vessels in the ports of Spain and the adjacent islands were placed on the same footing as Spanish vessels as regards port and navigation dues.

Foreign Office, June 12, 1866.

A RETURN showing the several Treaties now in force between Great Britain and Foreign States, for Commerce, Navigation, and Reciprocity; the dates of the same, and the parties with whom contracted, distinguishing such as contain the Most Favoured clause, or regulate or provide for an Equalization of Shipping Dues.

*Presented to both Houses of Parliament by
Command of Her Majesty. 1866.*

CORRESPONDENCE

RESPECTING THE

PROPOSED ASSEMBLY OF A CONFERENCE

AT

PARIS.

Presented to both Houses of Parliament by Command of Her Majesty.
1866.

LONDON:
PRINTED BY HARRISON AND SONS.

[3682]

TABLE OF CONTENTS.

No.	Date.	SUBJECT.	Page
1. Earl Cowley.. ..	May 1, 1866	Question of a Congress to avert war in Germany	1
2. To Earl Cowley	2,	Views of Her Majesty's Government with regard to proposal for a Congress to preserve peace	1
3. Earl Cowley	2,	Great Powers to be consulted as to practicability of a Congress to avert war	2
4. To Earl Cowley	3,	Conversation with French Ambassador on proposed Congress	2
5. Earl Cowley	4,	Question of Congress. M. de Lhuys opposed to offering good offices of England and France	2
6. To Earl Cowley.	10,	Views of Her Majesty's Government as to French proposal for meeting of a Conference	3
7. " "	10,	Instructions as to meeting French and Russian Representatives in a Congress	4
8. " "	11,	As to the Congress and proposed previous understanding of England, France, and Russia. M. Drouyn de Lhuys' explanation of term "firm intentions"	4
9. Sir A. Buchanan	7,	Conversation with Prince Gortchakoff respecting proposed Congress	5
10. " "	9,	Views of Prince Gortchakoff as to preliminary steps	5
11. Earl Cowley	12,	Conversation with M. Drouyn de Lhuys on proposal to meet his Excellency and the Russian Ambassador in a Conference	6
12. " "	15,	Report of Conference of three Plenipotentiaries preliminary to Congress	6
13. To Earl Cowley	17,	Observations on M. Drouyn de Lhuys' despatch to French Ambassador of 13th instant. Understanding on which Her Majesty's Government assent to proposals	7
14. " "	18,	Her Majesty's Government desire to omit reference to guarantee of temporal power of the Pope in invitation	8
15. Earl Cowley	19,	Reporting communication to M. Drouyn de Lhuys of understanding upon which Her Majesty's Government would be willing to take part in Congress. Concurrence of M. Drouyn de Lhuys	8
16. To Lord Bloomfield (and to Mr. Elliot, Lord A. Loftus, and Sir A. Malet)	24,	Instruction to invite Austrian Government to join in a Congress	8
17. To Lord Bloomfield (and to Mr. Elliot, Lord A. Loftus, and Sir A. Malet)	24,	Inclosing French version of invitation to Powers to join in a Congress	9
18. Sir A. Buchanan	13,	Russian Ambassador at Paris instructed to act with Lord Cowley at approaching Conference.	10
19. Circular despatch to Her Majesty's Ministers at the German Courts and at Berne	28,	Giving an account of the state of affairs	10
20. Sir A. Malet	28,	The notes of invitation will be presented by the three Representatives to-day	11
21. To Earl Cowley	30,	Communication by Prince de la Tour d'Auvergne of the wish of the Emperor that Ministers of Foreign Affairs should attend Congress	11
22. Count Bismarck to Count Bernstorff	29,	Announcing acceptance of invitation to the Congress by Prussia	11
23. Sir A. Malet	29,	Reporting an extraordinary sitting of Diet to receive the invitations to Congress	12

No.	Date.	SUBJECT.	Page
24. Earl Cowley ..	May 30, 1866	Gratification of M. Drouyn de Lhuys at acceptance by Lord Clarendon of invitation to Congress. As to attendance of other Ministers for Foreign Affairs	13
25. Lord Bloomfield ..	28,	Intention of Count Mensdorff to receive Representatives of three Powers on the subject of the Congress on the 29th May. Conversation with Count Mensdorff as to accepting invitation	13
26. „ „ ..	29,	Account of interview of the Representatives of the three Powers with Count Mensdorff, on presenting notes of invitation to the Congress	14
27. Lord A. Loftus ..	28,	Account of presentation to Count Bismarck of invitation to Congress by the Representatives of the three Powers	14
28. Earl Cowley . ..	31,	All foreign Ministers have accepted invitation to the Conference	16
29. To Lord Bloomfield ..	June 1,	Conversation with Count Apponyi as to acceptance of invitation to Congress by Austria	16
30. Sir A. Malet ..	1,	As to answer of Diet to invitation to join in Congress. M. von der Pfordten will probably be the Representative	17
31. Count Mensdorff to Count Apponyi	1,	Acceptance by Austria of invitation to Congress under certain conditions . ..	17
32. Sir A. Malet ..	2,	Diet accepts invitation to Congress . ..	19
33. To Lord Bloomfield ..	4,	Inclosing copy of Austrian reply. Conversation with Count Apponyi on subject of. Views of Her Majesty's Government	21
34. Mr. Elliot	May 30,	Has communicated to General La Marmora the intention of the three Powers to invite Italy to attend Conference. Conversation with General La Marmora	21
35. „ „	June 1,	Presentation of notes of invitation to the Italian Government by the three Representatives ..	22
36. General La Marmora to the Marquis d'Azeglio	1,	Readiness of Italian Government to meet in Congress at Paris	22
37. To Earl Cowley ..	5,	Observations on despatch addressed by M. Drouyn de Lhuys to the Prince de la Tour d'Auvergne on the 4th of June, relative to abandonment of idea of Congress	24
38. Circular despatch to Her Majesty's Ministers at the Minor German Courts and Berne	5,	Résumé of state of affairs	24
39. To Lord Bloomfield ..	8,	Causes which have led to the abandonment of the idea of a Congress	25

Correspondence respecting the proposed Assembly of a Conference at Paris.

No. 1.

Earl Cowley to the Earl of Clarendon.—(Received May 2.)

(Extract.)

Paris, May 1, 1866.

FOR the last few days rumours have been current in Paris that the Emperor had made fresh overtures for the assembling of a Congress, and that his proposal had been accepted by the parties most interested in the discussions of the last few weeks, viz., Austria and Prussia.

Yesterday evening M. Drouyn de Lhuys, by the desire of the Emperor, mentioned the subject to me, giving me to understand that he had been questioned on the matter by the Austrian and Prussian Ambassadors, and asking me whether anything had been said to me. I referred to the general rumours which had reached me. I asked M. Drouyn de Lhuys what he himself thought of the idea. He replied that it was one which might be borne in mind, but that he feared the difficulties of fixing on a basis of discussion would be found insuperable.

I expressed in general terms to M. Drouyn de Lhuys my conviction that Her Majesty's Government would not consent to participate in a Congress unless the questions to be discussed were to be well defined beforehand.

No. 2.

The Earl of Clarendon to Earl Cowley.

(Extract.)

Foreign Office, May 2, 1866.

I HAVE received your Excellency's despatch dated yesterday, on the question of assembling a Congress, with the view of endeavouring through its interposition to prevent the breaking out of war in Europe.

Circumstances are very different at the present moment from what they were at the time when a Congress was formerly proposed. At that time Her Majesty's Government feared that a Congress might lead to war; but war being now imminent, a Congress might avert that calamity, and consequently Her Majesty's Government would be willing to take part in it, as they are fully alive to the nature and extent of the danger by which Europe is now menaced.

But Her Majesty's Government consider that a Congress should not meet without its objects being previously defined, and without a reasonable prospect of effecting the purpose for which it was convoked.

The origin of the unfortunate dispute between Prussia and Austria is the Duchies, upon the annexation of which Prussia appears to be determined. Could a Congress sanction such a policy, which could only be carried into effect by violence, if the wishes of the people were not consulted, and if they were, assuredly Prussia would not obtain the Duchies?

With regard to the cession of Venetia, it is notorious that Austria will not cede her Italian provinces, unless she obtains territorial compensation elsewhere; but where is this to be obtained?

Negotiation, therefore, upon the most important points on which peace depends, would

infallibly fail in a Congress which would be powerless to enforce them ; and Her Majesty's Government would be as averse as the Emperor to take part in a Congress which in the face of Europe might prove its impotence for maintaining peace.

But it does not follow, therefore, that two Powers like England and France, peaceful and prosperous at home, should remain passive spectators of a bloody strife which will at once inflict serious evils upon their subjects.

The three Powers now on the point of taking the field have each solemnly declared that it has no aggressive intention against the other ; that each is only arming in expectation of attack ; and Her Majesty's Government would, therefore, suggest that England and France, acting upon these repeated assurances, and invoking the Declaration of Paris, should make a solemn appeal to the honour, the Christian feelings, and the true interests of the three Powers, should call upon them to resume the *status quo*, and declare that the Power which persisted without sufficient cause in provoking an unjustifiable war must in the eyes not only of England and France, but of the whole civilized world, be held responsible for all the calamities which it will cause.

Her Majesty's Government would further suggest that Russia, whose position is analogous to that of England and France, should be invited to join in this appeal.

No. 3.

Earl Cowley to the Earl of Clarendon.—(Received May 3.)

(Extract.)

Paris, May 2, 1866.

M. DROUYN DE LHUYS informed me this afternoon that he was about to address a telegraphic despatch to the Emperor's Representatives in London, Vienna, Berlin, St. Petersburg and Florence, inviting them to ascertain from the different Governments to which they are accredited, their views as to the practicability of meeting in Congress for the preservation of peace.

No. 4.

The Earl of Clarendon to Earl Cowley.

(Extract.)

Foreign Office, May 3, 1866.

THE French Ambassador informed me last night that he had received a telegram from M. Drouyn de Lhuys, desiring him to ascertain whether Her Majesty's Government would think that a Congress of the great Powers might be useful for maintaining the peace of Europe.

I told the Prince de la Tour d'Auvergne that Her Majesty's Government had suggested the expediency of a joint appeal on the part of France and England to the three Powers whose menacing attitude towards each other at this moment rendered imminent the danger of war.

I added that the desire of Her Majesty's Government to avert this danger was earnest and sincere, and that they would favourably receive a proposal from the Imperial Government for the convocation of a Congress ; but that in order to guard against a failure, which would only make matters worse, they could not exaggerate the importance of defining the objects for which the Congress was to assemble, with all the precision which circumstances would permit.

No. 5.

Earl Cowley to the Earl of Clarendon.—(Received May 5.)

(Extract.)

Paris, May 4, 1866.

ON the receipt this morning of your Lordship's despatch of the 2nd instant, and of that of yesterday's date, I went immediately to M. Drouyn de Lhuys and read them to him.

His Excellency said that in addressing himself to the great Powers with a view of ascertaining their opinion as to the practicability of a Congress at the present moment, he had not entertained the expectation that their answers would be other than

those which he had received, and which were in general of the same tenour as that returned by your Lordship; but as a proposal for a Congress had been made two years ago by France, and as the word "Congress" had again been pronounced now, he had not wished it to be supposed that France was indifferent upon the subject, or would be unwilling to meet her allies, if the assembling of a Congress should be judged by them to be expedient.

In your Lordship's reasoning as to the impediments to the assembling of a Congress M. Drouyn de Lhuys fully concurs, but I regret to add that he does not seem at all disposed to adopt your Lordship's suggestion that England and France should make a solemn appeal to the Powers now in arms to resume the *status quo*.

No. 6.

The Earl of Clarendon to Earl Cowley.

My Lord,

Foreign Office, May 10, 1866.

THE Prince de la Tour d'Auvergne read to me yesterday a telegraphic despatch from M. Drouyn de Lhuys, the substance of which was as follows:—

M. Drouyn de Lhuys expressed his opinion that if the great Powers desired to arrest the events that were approaching, they ought resolutely to assert their claim to take under their control ("évoquer résolument à elles") the questions that divide the Continent. Three questions now threaten to disturb the peace of Europe—Venetia, the Elbe Duchies, and Federal Reform in Germany. If England, Russia, and France would consent to join in a Congress, after having agreed that, without raising any other question, their deliberations should be directed exclusively to the cession of Venetia to Italy (compensation being given to Austria, and guarantees for the temporal power of the Pope), to the destiny of the Elbe Duchies, and to the Reform of the German Confederation, in so far as it affected the European equilibrium,—they might invite to this Congress Austria, Prussia, Italy, and a Representative of the German Confederation.

M. Drouyn de Lhuys thinks that it would be impossible to arrive at any previous understanding upon the solution of these questions, but that it would be sufficient that the three Powers above mentioned should announce a firm intention to settle them ("les résoudre"), in order that the evils of war should be averted and peace secured.

Upon this project M. Drouyn de Lhuys desired to have the opinion of Her Majesty's Government with the least possible delay.

I told the French Ambassador that I could give no answer to the proposal of M. Drouyn de Lhuys without consulting my colleagues, beyond saying that we were ready and willing to take part in any measure likely to promote the maintenance of peace; but that we must see our way before us, and clearly understand the nature of the objects to be pursued, as well as the extent of any engagements we might enter into; that we must not commit ourselves by vague expressions to acts which we did not contemplate, or expose ourselves to the charge of leaving France in the lurch by declining to go her lengths in any course of policy which she might think necessary, but which to us might not seem advisable.

I added, as my own personal opinion, that a preliminary Congress of three Powers—France, England, and Russia—to settle between themselves the questions laid down in the despatch of M. Drouyn de Lhuys might be offensive to Austria and Prussia; and that as to a "firm intention" to settle these questions, it would be indispensable to define the full intent and purport of these words, because if it was meant that Prussia was to be forced not to annex the Duchies, or that liberty was to be given to her to do so, or that Austria was to be coerced into yielding Venetia, I felt sure that to the declaration, in the present state of affairs, of a "firm intention" so interpreted Her Majesty's Government could not be a party.

The Prince de la Tour d'Auvergne promised to report these observations as my own, which did not therefore commit Her Majesty's Government; and to ask M. Drouyn de Lhuys for the further explanations of which I had pointed out the necessity.

I am, &c.

(Signed) CLARENDON.

No. 7.

The Earl of Clarendon to Earl Cowley.

(Extract.)

Foreign Office, May 10, 1866.

THE Prince de la Tour d'Auvergne has communicated to me this morning a telegram from M. Drouyn de Lhuys, by which Her Majesty's Government learn with satisfaction that no importance is attached by the French Government to the term "Congress" for the preliminary meeting of English, French, and Russian Representatives; and your Excellency is accordingly instructed that, upon the invitation of M. Drouyn de Lhuys, you may meet his Excellency and your Russian colleague in order to confer upon the three questions laid down in M. Drouyn de Lhuys' telegraphic despatch which, as stated in my previous despatch of this day, the French Ambassador communicated to me yesterday, and the settlement of which is now of urgent importance for the peace of Europe.

It is unnecessary that I should inform your Excellency that at any such meeting you must observe the utmost discretion as regards the language that you may hold.

The importance cannot be exaggerated of leaving no doubt in M. Drouyn de Lhuys' mind of the anxiety of Her Majesty's Government not to enter, even by implication, into any engagements which we should be unwilling or unable to fulfil; and your Excellency will in all respects govern your language by the tenor of my previous despatch of to-day's date, which you will read to M. Drouyn de Lhuys, though, at the same time assuring his Excellency of the anxious desire of Her Majesty's Government to co-operate with the Imperial Government towards arresting the war by which Europe is now menaced.

No. 8.

The Earl of Clarendon to Earl Cowley.

Sir,

Foreign Office, May 11, 1866.

THE French Ambassador has made me acquainted with the reply, of which he had already received by telegraph and stated to me the substance as I informed you in my despatch of yesterday, to the observations which I had made to him on his communication of the previous day, and of which I gave you an account in my other despatch of yesterday, on the subject of a previous understanding being come to by the Governments of England, France, and Russia as to the measures which they might propose to Austria, Prussia, Italy, and Germany, with a view to prevent an interruption of the general peace.

M. Drouyn de Lhuys says in this despatch that he concurs in the objection I made to the preliminary Conference between the three Powers being designated as a Congress; it is immaterial to France so long as an understanding between the three Powers in the interest of peace is brought about, in what form it is so.

M. Drouyn goes on to say, with reference to the exception which I had taken to the expression of "a firm intention" on the part of the three Powers to settle the question of Venetia, the Elbe Duchies, and German reform, that the avowed pacific and neutral policy of the Imperial Government precluded the supposition of any preconceived plan on the part of France to interfere actively in matters which only concerned her to the extent of the bearing that they had on general interests: that whether all the Great Powers met together in Congress at once, or whether England, France, and Russia alone conferred together with a view to devise a solution of pending questions, the course usually observed in regard to such meetings should be adhered to; that if an unanimous conclusion was arrived at, there was an end of the matter; that if it were not so, each Power would, with its own opinion, retain full liberty of action. France fully understood the objection of England to bind herself beforehand to maintain by force of arms any recommendations that she might make; and, like England, in case the Powers should not come to a common understanding, France purposed to remain free to act as she thought fit. But M. Drouyn de Lhuys is of opinion that it would be well that the question of the eventual employment of force should be left undetermined ("réserve"), inasmuch as the decisions of the Powers would be stripped of all force and authority if they were to declare beforehand that the enforcement by arms of the decisions at which they might arrive was absolutely renounced by them.

I thanked the Prince de la Tour d'Auvergne for the communication, which I said to a great extent removed the objections I had stated to him, and I informed his Excellency of the instructions which had yesterday been sent to your Excellency, authorizing you,

upon the invitation of M. Drouyn de Lhuys, to meet that Minister and the Russian Ambassador, in order to confer upon the three questions of Venetia, the Elbe Duchies, and German Reform, the settlement of which M. Drouyn de Lhuys had represented as of urgent importance for the peace of Europe.

I am, &c.
(Signed) CLARENDON.

No. 9.

Sir A. Buchanan to the Earl of Clarendon.—(Received May 14.)

(Extract.)

St. Petersburg, May 7, 1866.

ON my calling on Prince Gortchakoff at his request this morning, he inquired whether the French Ambassador had said anything to me relative to a Congress being convoked with a view to prevent the present state of affairs in Germany and Italy ending in war, and on my answering in the affirmative he proceeded to acquaint me with what had passed between Baron de Talleyrand and himself on the subject. His Excellency said that the French Ambassador had acquainted him with a suggestion of Her Majesty's Government, that representations should be addressed simultaneously by Great Britain, France, and Russia, to the Cabinets of Vienna, Berlin, and Florence, with a view to induce them to disarm and to seek by negotiation a peaceful arrangement of their differences, but that as the French Government considered such a measure would be ineffectual ("inefficace") they were anxious in the first place to come to some preliminary understanding with Russia respecting the Elbe Duchies, Federal Reform in Germany, and the position of Venice, which might lead eventually to a Congress being held for the settlement of these questions.

Prince Gortchakoff said he had told Baron de Talleyrand when he mentioned the question to him two days ago (and he was about to do so again by the orders of the Emperor), that the present circumstances of Europe were too critical to afford time for discussions upon points in which it would be extremely difficult to induce the different parties interested to agree; but that Russia would be ready to join Great Britain and France, as suggested by Her Majesty's Government, in urging the two German Powers and Italy to replace their military establishments on a peace footing, and that while he would trust principally to the action of the Emperor Napoleon at Florence to obtain the desired result from the Italian Government, he conceived that the Cabinets of Vienna and Berlin could hardly resist a common energetic appeal to them from the three Great Powers.

In the meanwhile, however, his Excellency thought it might be expedient to assent to a proposal for a Congress, provided that the objects to be discussed by it were clearly defined, so that none could be brought forward except those which had reference to the difficulties which have given rise to the present complications.

He further stated that Baron Brunnow had reported what your Lordship had said to him as to the views with which a British Plenipotentiary would enter such a Congress. These views would also, he said, be those of the Russian Plenipotentiary, but he thought it would be inopportune now to discuss details, as he would prefer that the invitation to the Congress should be made in general terms.

No. 10.

Sir A. Buchanan to the Earl of Clarendon.—(Received May 14.)

(Extract.)

St. Petersburg, May 9, 1866.

PRINCE GORTCHAKOFF read a despatch to me, which he has forwarded this morning to Vienna, urging on the consideration of the Austrian Government the expediency of immediately coming to an understanding with Italy for a simultaneous restoration of their armaments to a footing of peace; and his Excellency said that if the representations of the Russian Minister at Vienna were favourably received by Count Mensdorff, the Russian messenger would proceed immediately to Florence with instructions to Count Kisseleff to express to the Government of Italy the earnest hope of the Emperor that they will be ready to enter at once into an arrangement for disarming, which will remove the danger to which the peace of Europe is at present exposed.

Copies of this despatch were forwarded to-day to Paris and London, and it will be read to your Lordship by Baron Brunnow.

No. 11.

Earl Cowley to the Earl of Clarendon.—(Received May 14.)

My Lord,

Paris, May 12, 1866.

I CALLED this afternoon on M. Drouyn de Lhuys by appointment, and after reading to his Excellency, as instructed by your Lordship, your despatch of the 10th instant, recounting your conversation with the Prince de la Tour d'Auvergne on the subject of the proposals made by M. Drouyn de Lhuys in his telegraphic despatch of the 8th instant, I informed his Excellency that I was authorised by your Lordship to meet, upon his invitation, his Excellency and my Russian colleague, in order to confer upon the questions laid down in the telegraphic despatch alluded to above, but that my conduct would be strictly guided by the language which your Lordship had addressed to the Prince de la Tour d'Auvergne, and which had been subsequently ratified by your Lordship's colleagues. I could therefore enter into no engagements which might hereafter fetter the free action of Her Majesty's Government. I wished this to be distinctly understood, in order that should Her Majesty's Government find it impossible to concur in the future policy of the Imperial Government, no breach of faith might be imputed to Her Majesty's Ministers.

M. Drouyn de Lhuys replied that he so understood the position of all parties. Their object would be inquiry. As to action, they would all be free to do as they pleased. With regard to the Conference of three, his Excellency had proposed it because he thought that a basis of discussion and the elimination of unnecessary questions would be more easily decided upon by those Powers which had no other interest than the preservation of peace; but he had never contemplated that the three Powers should enter into any preliminary discussion of those questions. The firm intention which he had advised was directed to the exclusion of other questions than those mentioned in his programme, and to the resolution to adhere to them alone; but the discussion of them must, of course, belong to a full Congress.

No definitive answer has as yet been received from the Russian Government.

I have, &c.

(Signed) COWLEY.

No. 12.

Earl Cowley to the Earl of Clarendon.—(Received May 16.)

(Extract.)

Paris, May 15, 1866.

M. DE BUDBERG having informed M. Drouyn de Lhuys yesterday that he had been authorized to assent to the proposal made to his Government by his Excellency on the 8th instant, to meet his Excellency and myself in conference, with a view of examining whether some steps might not be taken by the three Governments we have the honour to represent for the assembling of a Congress in the interests of peace, M. Drouyn de Lhuys invited my Russian colleague and myself to meet him this afternoon at the Ministry for Foreign Affairs.

M. Drouyn de Lhuys opened the conversation by recounting the substance of the communication which he had addressed to London and St. Petersburg, and he proposed that the Governments of Austria, Prussia, and Italy, and the Germanic Confederation, should be invited by England, France, and Russia to join in a Congress, in order to discuss the three questions laid down in his telegram of the 8th instant, which are set forth in your Lordship's despatch of the 10th instant.

I asked his Excellency how he proposed that this invitation should be made—whether collectively by the three Powers, or by France alone, assured of the support of the other two. His Excellency replied, by a collective, or at all events by an identic, communication from the three Powers.

M. de Budberg asked when it was proposed that this Congress should be held, and how it was to be composed.

M. Drouyn de Lhuys replied that the idea of the Emperor was that the Congress should meet at Paris, and that the Plenipotentiaries of the Powers, resident at Paris, should compose it. Of course if any Government chose to send a Plenipotentiary *ad hoc*, no objection could be made to it.

The Earl of Clarendon to Earl Cowley.

My Lord,

Foreign Office, May 17, 1866.

THE French Ambassador has received from M. Drouyn de Lhuys a despatch, dated the 13th instant, referring to the communication made to the latter by your Excellency of the purport of my despatch of the 10th instant.

Your Excellency, M. Drouyn de Lhuys says, agreed with him on the necessity of England, France, and Russia communicating to the Powers whom they might invite to take part in a Congress the questions to be there discussed.

The serious circumstances of the present time make it indispensable to restrict, as far as possible beforehand, the range of discussion. Remonstrances or advice would not, in the opinion of the French Government, ensure the result which it was sought to obtain; but being sincerely desirous of arriving at it, the French Government accepted generally the proposition of a Congress when suggested to it, stipulating only that the object for which it was to meet should be clearly defined.

France did not, any more than England or Russia, propose to constitute herself the judge of the differences which had caused a portion of Europe to take up arms; the three Powers did not, therefore, propose to agree among themselves upon the manner in which the question in debate should be solved, and to put forward their conclusions to be accepted by the Powers more directly interested.

But the French Government thought that, when inviting those Powers to join in an endeavour to arrive at a peaceful solution of existing differences, it was but fair and prudent to explain what, in their opinion, were the questions with which the Congress would have to deal.

Those questions were notoriously Venetia, the Elbe Duchies, and Federal reform in Germany; any general discussion among the Powers of Europe not specially directed to their solution would leave in full force all the real causes of the collisions which are dreaded.

If the peace of Europe is to be maintained, it will not do to shrink from examining those questions with a firm intention of solving them. By that, however, the French Government does not mean that England, France, and Russia, being neutral and relatively disinterested Powers as regards the impending struggle, are bound to impose their opinions on the Powers more directly parties in the dispute. The duty of the three Powers would be to propound the questions to be solved, to invite the others to discuss them, and to seek, in concert with the three Powers, a solution which they, and not the three Powers, have the means of bringing about.

If an agreement were established, peace would be secured, and the object of the three Powers would be obtained; if not, each would, in the presence of a state of things which it had been found impossible to control, be free from any engagements save those which the duty of providing for its own interests would dictate.

Having reported the above to my colleagues, I was authorized by them to express to the French Ambassador, and through your Excellency to M. Drouyn de Lhuys, the satisfaction of Her Majesty's Government at the tone and tenour of the despatch of the French Minister for Foreign Affairs, which will enable Her Majesty's Government to co-operate with the Government of the Emperor in an endeavour to avert from Europe the calamities of war.

Her Majesty's Government concur with M. Drouyn de Lhuys in thinking that the three questions which now place Europe in imminent danger of war, are those of the Elbe Duchies, Venetia, and Federal reform; and they do not disguise from themselves that their solution, more especially that of the first two, present difficulties of surpassing magnitude; but they must be grappled with earnestly and with a firm intention to overcome them; and the course of proceeding suggested by M. Drouyn de Lhuys is entirely in accordance with the views of Her Majesty's Government.

His Excellency justly observes that it is not the duty of the three neutral Powers to impose their opinions upon the Powers among whom these serious differences have arisen; but that it is their duty to call upon those Powers to deliberate with England, France and Russia, who are comparatively disinterested in the impending struggle, upon the causes which have led to these differences, and the means by which they may be arranged. If this call should be responded to, and agreement among all the Powers should be the happy result, Europe will be indebted to the Congress for the inestimable blessing of peace; but if events beyond the control of the Powers should unfortunately render this agreement impossible, then each will retain its own views, and each will be free from all obligations, and

at full liberty to adopt that course of policy which its regard for the peace and welfare of Europe, and the maintenance of its honour and interests, may seem to it to require.

Upon this understanding, Her Majesty's Government willingly assent to take part in the Congress proposed by the Government of the Emperor.

Your Excellency will read this despatch to M. Drouyn de Lhuys and give his Excellency a copy of it, should he desire to have one.

I am, &c.
(Signed) CLAREN ON.

No. 14.

The Earl of Clarendon to Earl Cowley.

(Extract.)

Foreign Office, May 18, 1866.

HER Majesty's Government desire to omit reference to the guarantee of the temporal power of the Pope, because that question does not concern the peace of Europe, and would therefore be altogether irrelevant to the object for which the Congress would be convoked; and Prussia and Russia would probably have the same objection as the British Government to entering into any such guarantee, and the same difficulties in giving effect to it, if ever called upon to do so.

No. 15.

Earl Cowley to the Earl of Clarendon.—(Received May 20.)

My Lord,

Paris, May 19, 1866.

I HAD the honour to receive this morning your Lordship's despatch of the 17th instant, stating the understanding upon which Her Majesty's Government would be willing to take part in the Congress for the preservation of peace proposed by the Government of the Emperor.

I saw M. Drouyn de Lhuys this afternoon and read your Lordship's despatch to him. His Excellency expressed his agreement in all your Lordship's observations, and his satisfaction with the tone of your despatch. In future his Excellency proposed to substitute the word Conference for Congress, as more adapted to the form of invitation which it was now proposed to address to the Powers in arms.

I thought it right to remind M. Drouyn de Lhuys that in stating to the Prince de la Tour d'Auvergne that I had agreed with his Excellency on the necessity of England, France, and Russia communicating to the Powers whom they might invite to take part in a Congress, the questions to be there discussed, he had over-estimated my words, for that I had invariably given him to understand that anything which I might say in the course of these preliminary discussions could have no value unless ratified by Her Majesty's Government. His Excellency fully admitted the truth of this remark.

M. Drouyn de Lhuys having expressed a desire to have a copy of your Lordship's despatch, I have directed that one may be made and sent to him.

I have, &c.
(Signed) COWLEY.

No. 16.

*The Earl of Clarendon to Lord Bloomfield.**

My Lord,

Foreign Office, May 24, 1866.

THE difference which has arisen between Austria and Prussia on account of the affairs of the Duchies daily assumes more menacing dimensions, and becomes a serious matter of anxiety for Europe. Public opinion is alarmed at the prospect of a war in which so many interests would be involved. The three great neutral Powers themselves could not contemplate without disquietude the possibility of an armed conflict between States

* Similar despatches were addressed to Lord A. Loftus, Mr. Elliot, and Sir A. Malet.

for which they profess an equal degree of friendship. Considerations of the highest character urged them to devise the means of averting this danger. Great Britain, France, and Russia have consulted together on this matter, under the influence of the same peaceful and conciliatory sentiments, and after interchanging their impressions they have agreed to invite to take part in common deliberations the Governments which are or which may be involved in the dispute, namely, Austria, Prussia, Italy, and the Germanic Confederation.

The object of these deliberations is self-evident. It is proposed in the interest of peace to settle by means of diplomacy the question of the Elbe Duchies, that of the Italian dispute, and, lastly, that of the reforms to be introduced in the Federal Pact, so far as they may affect the balance of power in Europe.

If the Governments to whom we address this appeal agree to it, as we hope they will do, their Plenipotentiaries might join at Paris those of Great Britain, France, and Russia. As regards the time of the meeting, it would be desirable that it should take place without any delay. It is impossible too soon to dispel the apprehensions caused by the present crisis, and give to Europe in her present state of anxiety a pledge of security. The negotiations will have all the better prospect of success if they are not disturbed by the clash of arms, and by susceptibilities arising out of points of military honour. We are persuaded that in acceding to the proposal of the three Courts, the Powers who are now engaged in military preparations might be disposed to suspend them, even if they should hesitate to replace their forces on a peace footing.

I have to instruct you to come to an understanding with your colleagues the Representatives of France and Russia, who will receive from their Courts similar instructions, with a view to making simultaneously to the Government to which you are accredited a communication in the terms of the present despatch.

Her Majesty's Government await with anxiety the decision of the Government of Austria.

I am, &c.
(Signed) CLARENDON.

No. 17.

*The Earl of Clarendon to Lord Bloomfield.**

My Lord,

Foreign Office, May 24, 1866.

WITH reference to my despatch of this day, respecting the invitation to be addressed by England, France, and Russia to the Government to which you are accredited, proposing to it to take part in a Conference to be held at Paris, I transmit, for your information, the French version of that despatch as it will be addressed by the French and Russian Governments to their Representatives at Vienna, Berlin, Florence, and Frankfort.

I am, &c.
(Signed) CLARENDON.

Inclosure in No. 17.

Draft of French Version of Invitation, as proposed to be addressed by the French and Russian Governments to their Representatives at Vienna, Berlin, Frankfort, and Florence.

Monsieur,

LE différend qui a éclaté entre l'Autriche et la Prusse à propos de l'affaire des Duchés prend de jour en jour une extension plus menaçante et devient un grave sujet d'anxiété pour l'Europe. L'opinion publique s'alarme de l'éventualité d'une guerre dans laquelle tant d'intérêts seraient engagés. Les trois grandes Puissances neutres ne pouvaient elles-mêmes envisager sans inquiétude la possibilité d'une lutte armée qui mettrait aux prises des Etats envers lesquels elles professent une égale amitié. Les considérations les plus élevées les sollicitaient de rechercher les moyens de conjurer ce péril. La France, la Grande Bretagne, et la Russie se sont consultées à ce sujet dans une même pensée de paix et de conciliation, et après avoir échangé leurs idées elles sont tombées

* Similar despatches were addressed to Lord A. Loftus, Mr. Elliot, and Sir A. Malet.

d'accord pour inviter à des délibérations communes les Gouvernements qui sont ou pourront être impliqués dans le débat, savoir, l'Autriche, la Prusse, l'Italie, et la Confédération Germanique.

L'objet de ces délibérations s'impose de lui-même à tous les esprits. Il s'agit dans l'intérêt de la paix de résoudre par la voie diplomatique la question des Duchés de l'Elbe, celle du différend Italien, et enfin celle des réformes à apporter au Pacte Fédéral en tant qu'elles pourraient intéresser l'équilibre Européen. Si les Gouvernements auxquels nous adressons cet appel consentaient à s'y rendre, ainsi que nous en avons l'espoir, leurs Plénipotentiaires pourraient se joindre à Paris à ceux de la France, et de la Grande Bretagne, et de la Russie. Quant à la date de la réunion, il serait désirable qu'elle fût aussi rapprochée que possible. On ne saurait trop tôt dissiper les craintes causées par la crise actuelle et donner à l'Europe inquiète un gage de sécurité. Les négociations offriront d'autant plus de chances de succès qu'elles ne seront pas troublées par le bruit des armes et par les susceptibilités du point d'honneur militaire. Nous avons la confiance qu'en adhérant à la proposition des trois Cours, les Puissances qui s'occupent maintenant de préparatifs de guerre se montreraient disposés à les suspendre lors même qu'elles hésiteraient à rétablir leurs forces sur le pied de paix.

Vous êtes invité à vous entendre avec vos collègues les Représentants de l'Angleterre et de la Russie, qui recevront de leur Cour des instructions semblables, pour faire une communication simultanée dans les termes de la présente dépêche au Gouvernement auprès duquel vous êtes accrédité. Le Gouvernement de l'Empereur attend avec une sincère sollicitude la résolution à laquelle s'arrêtera le Cabinet de (la Confédération Germanique.)

No. 18.

Sir A. Buchanan to the Earl of Clarendon.—(Received May 28.)

(Extract.)

St. Petersburg, May 13, 1866.

I COMMUNICATED to Prince Gortchakoff, on the 11th instant, the substance of your Lordship's telegram of the previous day, acquainting me that your Lordship had authorized Her Majesty's Ambassador at Paris to accept an invitation, if made to him by M. Drouyn de Lhuys, to confer with his Excellency and the Russian Ambassador.

I saw him again this morning, when he informed me that Baron Budberg had also been instructed to accept an invitation to confer with M. Drouyn de Lhuys and Lord Cowley.

No. 19.

Circular addressed to Her Majesty's Ministers at the German Courts and Berne.

(Extract.)

Foreign Office, May 28, 1866.

HER Majesty's Government and the Governments of France and Russia have been in earnest consultation with each other on the question of making a common effort to preserve the peace of Europe.

The last remaining chance of doing so has appeared to the three Powers to be found in inviting to a Conference the Representatives of the several Powers who, from the scale on which their military preparations are being pushed forward, may be expected to engage in war, for the purpose of considering with the Representatives of England, France, and Russia, whether some means of settlement cannot be devised which shall avert so great a calamity.

It has appeared to the three Powers that it would be desirable to specify the precise points on which these discussions should turn; and the points of which they consider the adjustment to be most required at the present moment are those of the Elbe Duchies, the Italian dispute, and Federal reform in Germany, so far as the latter may affect the balance of power in Europe.

The three Powers have accordingly instructed their Representatives at Vienna, Berlin, Frankfurt, and Florence, formally and simultaneously to invite the Governments to which they are accredited to take part with the Governments of England, France, and Russia in common deliberations, having for their object a settlement of those three questions.

The three Powers have named Paris as the seat of the Conference, and have pointed out that it should be opened as soon as possible. They have further suggested that it would be advantageous if, during the Conference, military preparations were suspended, even should the forces now enrolled not be replaced on a peace footing.

Her Majesty's Government have lent themselves to this proceeding with the greatest satisfaction. They heartily join in an endeavour to preserve the peace of Europe, and they will not abandon the hope that the Conference may lead to that result. They have every assurance that the invitation of the three Powers will be accepted by those to whom it has been addressed; but if the case should be otherwise, or if events beyond the control of the Powers should unfortunately render an agreement impossible, it is clearly understood that each of the neutral Powers who will have been instrumental in bringing about the Conference will retain its own views, and that each will be free of all obligations, and at full liberty to adopt that course of policy which its regard for the peace and welfare of Europe, and the maintenance of its honour and interests, may seem to require.

You will not fail in any conversation that you may hold with the Government to which you are accredited, on the matters to which I have now referred, to lay particular stress on the importance attaching to a suspension, at least, of military preparations during the sitting of the Conference. It would be inexcusable in any Power if it were to attempt to render nugatory the meeting of the Conference by measures tending to precipitate a commencement of hostilities.

No. 20.

Sir A. Malet to the Earl of Clarendon.—(Received May 30.)

(Extract.)

Frankfort, May 28, 1866.

THE instruction contained in your Lordship's despatch of the 24th instant was delivered to me on Sunday the 27th at mid-day by a messenger sent from Cologne by Mr. Crossthwaite.

The French Minister was prepared to send in the note which his Government had directed him to draw up in conformity with that of which your Lordship's despatch of the 24th instant has conveyed to me a copy, but our Russian colleague was still without the orders of his Government.

This morning, however, M. d'Ungern-Sternberg received his instruction, so that the three notes will be handed to Baron de Kübeck to-day.

No. 21.

The Earl of Clarendon to Earl Cowley.

My Lord,

Foreign Office, May 30, 1866.

THE French Ambassador communicated to me yesterday a telegram which he had received from M. Drouyn de Lhuys, stating that the Emperor had directed him to instruct his Excellency to inform me, that with a view to further the work of pacification in which he was engaged, His Imperial Majesty would see with pleasure the Ministers for Foreign Affairs of the several Powers taking part in the Conference.

I informed the French Ambassador that if the Foreign Ministers of the other Powers attended the Conferences I should consider it my duty to do the same.

I am, &c.

(Signed) CLARENDON.

No. 22.

Count Bismarck to Count Bernstorff.—(Communicated to the Earl of Clarendon by Count Bernstorff, May 31.)

M. le Comte,

Berlin, le 29 Mai, 1866.

MM. LES Représentants de l'Angleterre, de la France et de la Russie sont venus me trouver hier pour me communiquer des dépêches identiques par lesquelles leurs Cours respectives invitent le Gouvernement du Roi à prendre part à des délibérations qui, selon leur intention, auraient lieu prochainement à Paris dans le but de résoudre les différentes questions qui menacent en ce moment la paix de l'Europe.

Je me suis empressé de placer cette communication, dont votre Excellence trouvera ci-jointe une copie, sous les yeux du Roi notre auguste Souverain, et Sa Majesté, s'associant pleinement aux sentiments qui ont inspiré cette démarche aux trois Cours, a daigné me charger de leur annoncer qu'elle acceptait volontiers la proposition qui lui était faite et que ses Plénipotentiaires se réuniraient à Paris à ceux des autres Puissances.

Le Gouvernement du Roi croit devoir consigner dans cette communication une observation que lui suggère la rédaction de l'invitation. Il ne saurait admettre que ce soit l'affaire des Duchés de l'Elbe qui menace la paix de l'Europe; le Gouvernement du Roi au moins n'a jamais eu l'intention de résoudre cette question par une lutte armée. Il envisage au contraire l'attitude menaçante et les préparatifs militaires de l'Autriche et d'autres Gouvernements Allemands comme le véritable point de départ des complications qui depuis ont pris des proportions de plus en plus alarmantes. Désirant cependant contribuer autant qu'il dépend de lui à écarter tous les motifs de l'inquiétude qui pèse sur l'Europe, il consent volontiers à soumettre cette question, ainsi que les deux autres mentionnées dans la communication des trois Cours, à des discussions communes. Le Gouvernement du Roi partage du reste entièrement l'opinion des trois Gouvernements que la réunion de la Conférence doit être hâtée autant que possible, dans la conviction que tout retard ne peut que compromettre les chances de succès.

Je vous invite, M. le Comte, à communiquer cette dépêche à Lord Clarendon, et je profite, &c.

(Signé) VON BISMARCK.

(Translation.)

M. le Comte,

Berlin, May 29, 1866.

THE Representatives of England, France, and Russia came to me yesterday to communicate the identic despatches in which their respective Governments invite the Government of the King to take part in deliberations which, according to their intention, are shortly to take place in Paris, in order to solve the various questions which now threaten the peace of Europe.

I hastened to lay this communication, of which your Excellency will find a copy inclosed herewith, before the King our august Sovereign; and fully entering into the sentiments which have prompted the three Powers to adopt this course, His Majesty has deigned to direct me to announce to them that he readily accepted the proposal made to him, and that his Plenipotentiaries would join those of the other Powers in Paris.

The Government of the King thinks it right to record in this communication an observation suggested to it by the wording of the invitation. It cannot admit that it is the question of the Elbe Duchies which threatens the peace of Europe; the Government of the King, at least, has never intended to solve this question by recourse to arms. It considers, on the contrary, the menacing attitude and the military preparations of Austria and other German Governments as the true origin of the complications which have since assumed more and more alarming proportions. Desirous, however, of contributing, so far as lies in its power, to remove all the causes of anxiety which weigh upon Europe, this Government consents willingly to submit this question, as well as the two others mentioned in the communication of the three Courts, to common discussion. The Government of the King shares fully the opinion of the three Governments that the meeting of the Conference must be hastened as much as possible, convinced as it is that any delay must compromise the chances of a successful issue.

I beg, M. le Comte, that you will communicate this despatch to Lord Clarendon.

I have, &c.

(Signed) VON BISMARCK.

No. 23.

Sir A. Malet to the Earl of Clarendon.—(Received May 31.)

(Extract.)

Frankfort, May 29, 1866.

THE Diet held an extraordinary sitting to-day, at which the notes presented yesterday on behalf of Great Britain, France, and Russia to invite the Diet to send a Plenipotentiary to Paris were laid before the Assembly.

A Committee, composed of the Envoys of Austria, Prussia, the four other German kingdoms, and Hesse-Darmstadt, was appointed, and all the members of the Diet received copies of the several notes for communication to their Governments.

No. 24.

Earl Cowley to the Earl of Clarendon.—(Received May 31.)

My Lord,

Paris, May 30, 1866.

I SAW M. Drouyn de Lhuys this afternoon, who expressed himself gratified at your Lordship's prompt acceptance of the Emperor's invitation to attend the Conference on European affairs.

I asked his Excellency whether he had received replies from any of the other foreign Ministers, and he replied that M. de Bismarck had also expressed his readiness to come to Paris. He thought also that he might count upon Count Mensdorff and General La Marmora. He had heard nothing yet from Prince Gortchakoff.

I have, &c.
(Signed) COWLEY.

No. 25.

Lord Bloomfield to the Earl of Clarendon.—(Received June 1.)

(Extract.)

Vienna, May 28, 1866.

COUNT MOSBOURG, the French Chargé d'Affaires, called upon me yesterday and informed me that he had just received a despatch addressed to the Duc de Gramont containing an invitation to the Austrian Government to attend the proposed Congress at Paris. He inquired if I had also received an instruction on the same subject, observing that he was directed to confer with me and with the Russian Minister as to the time of making this communication to Count Mensdorff.

I replied that I expected a messenger in a day or two, but that if the Russian Minister was equally prepared to make the communication in question I was ready to do so, for Her Majesty's Government were most anxious there should be no needless delay in inviting the Austrian Government to attend the Congress.

Count Mosbourg said that he believed Count Stackelberg had not yet received his orders, but he would inquire and let me know.

He called on me again to-day shortly after I had received your Lordship's despatch of the 24th instant, and said that Count Stackelberg's messenger was expected to-morrow, when he would be ready to join with us in making our communication simultaneously to the Imperial Government.

I then repaired to Count Mensdorff and informed his Excellency of the nature of the instructions I had received, and asked his Excellency to name an hour to-morrow when he could receive me and also the Representatives of France and Russia, and he settled to see us at 1 o'clock. I then asked if the Imperial Government were disposed to accept the invitation; he replied that he would take the Emperor's orders as soon as we had officially made our communication, but in the meantime he could assure me that His Imperial Majesty would raise no objection to send a Representative to the proposed Conferences at Paris.

I observed that it appeared to be desired at Paris that the Ministers of Foreign Affairs of the several Powers invited should attend, and I asked if his Excellency would go there under these circumstances. He replied that the question had been under consideration, but was not settled.

Lord Bloomfield to the Earl of Clarendon.—(Received June 1.)

(Extract.)

Vienna, May 29, 1866.

YOUR Lordship will have been informed by my despatch of yesterday, that Count Mensdorff had fixed 1 o'clock to-day to receive from the Russian Minister, the French Chargé d'Affaires and myself, the communications of our Governments inviting the Imperial Government of Austria to attend a Conference at Paris with a view of endeavouring to settle by means of diplomacy the grave political questions which some of the Powers of Europe have been preparing their armies to decide.

We met at the Imperial Chancery of State at the appointed hour, and Count Stackelberg then told me that his messenger had not yet arrived from St. Petersburg with the final orders of his Government, but he was in possession of a copy of the despatch which had been agreed upon at Paris, and in order to avoid delay he had no hesitation in associating himself to the step which the French Chargé d'Affaires and myself were ready to make, and as he could not leave with Count Mensdorff an original instruction, which we intended doing as a written record of the communication, he had brought with him a paper which he would leave with Count Mensdorff, showing that his Government entirely approved of the invitation.

I then saw Count Mensdorff, and after reading to his Excellency your Lordship's despatch of the 24th instant, I left it with him, and he promised to take the Emperor's orders on the subject, assuring me at the same time of the readiness with which His Imperial Majesty would respond to the invitation. He added that he should probably himself attend the Conferences.

As to the proposal of suspending the military preparations, he believes it would be utterly impossible for any of the three Powers to stop their armaments, and he could not hold out the least hope of doing so at the present moment.

Lord A. Loftus to the Earl of Clarendon.—(Received June 1.)

My Lord,

Berlin, May 28, 1866.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 24th instant, which was delivered to me yesterday morning by Mr. Johnson.

In conformity with your Lordship's instructions I immediately placed myself in communication with my colleagues the Representatives of France and Russia, who had received from their Courts despatches of a similar nature, with a view to arranging the mode of fulfilling our respective instructions.

After a mutual communication of the despatches we had received from our Governments, we agreed to ask for an interview with Count Bismarck, at which we should severally and conjointly present copies of them to his Excellency. The French Ambassador applied to Count Bismarck, in our joint names, for an interview, and his Excellency appointed to-day, at 1 o'clock, to receive us.

Accordingly, at the appointed hour we repaired to the Ministry for Foreign Affairs.

The French Ambassador, after a few words stating that the object of our joint communications was the preservation of peace, proceeded to read to his Excellency the despatch of his Government, identical with the draft of which a copy was inclosed in your Lordship's despatch of the 24th instant. When M. Benedetti had concluded, M. d'Oubril and I presented to his Excellency copies of our respective despatches, stating that they were identic with the despatch which the French Ambassador had just read.

Count Bismarck, after stating that his Sovereign desired nothing better than peace, and was most willing to concur in any way towards its maintenance, and to avert war, said that he would take the orders of his Sovereign. He added that, at the same time, he might say, from his knowledge of the King's views, that there would be no difficulty raised on the part of Prussia in accepting the invitation to the proposed Conference. He recalled to M. Benedetti and to myself that, when on a previous occasion we had unofficially inquired his opinions on the subject of a Conference, he had expressed himself as well disposed to take part in it.

His Excellency then said that he would make a few observations on the communication the French Ambassador has just read.

First of all, he must remark that, with reference to the differences between Austria and Prussia, he could not admit that they were solely to be attributed to the question of the Duchies. He stated that Prussia would not have undertaken a war for the acquisition of one Duchy; and that, however difficult the position might have become between the two States with respect to the Government of those Duchies, still there was nothing to have prevented the continuance of the *status quo* for many years. But, observed his Excellency, early in March Austria commenced military preparations which at last assumed such dimensions that the safety of Prussia was endangered, and the King was obliged to order defensive armaments for the security of Berlin from a sudden attack.

It was therefore Austria who had been the first to commence these armaments, and by her threatening attitude to produce the crisis of which Europe now complained.

The second observation which his Excellency made had reference to the participation in the Conference of the Germanic Confederation. He observed that the invitation (as he had learnt from Frankfort) had been already made to the Diet. He stated that with the exception of the late Conference in London on the Danish question, it was the only occasion on which the Diet had been invited to take part in an European Conference. He did not, however, object to the participation of that body, the more so as Austria and Prussia were members of the Diet, and represented as such two-thirds of the Germanic Confederation.

If the invitation had not been yet addressed he should have suggested a different course, and would have proposed that one of the Governments of the minor States should have been selected to have represented the Germanic Confederation.

His Excellency observed that time was of great value to Prussia; the cost of maintenance of her present armaments was very great; and it was therefore of utmost importance to her that the Conference should be opened with the least delay. He feared that the participation of the Diet would occasion much delay. By the rules of that body a delay of eight days was allowed to the Plenipotentiaries to obtain instructions from their respective Governments previous to taking a vote. Then again he observed that instructions would have to be drawn out for the Plenipotentiary selected to represent the Germanic Confederation; and it was in the power of any one State to raise objections which might be productive of delay and inconvenience.

Then again he observed that possibly the Plenipotentiary might have to refer to the Diet during the course of the Conferences for fresh instructions, which would occasion a fresh delay. The purport of his Excellency's observations appeared to refer exclusively to the delay and loss of time which may be occasioned by the participation of the German Confederation in the proposed Conference, and which his Excellency seems to fear may greatly retard the progress of its deliberations.

Count Bismarck finally inquired whether in the invitation any precise allusion was made to the participation at the Conference of the Ministers for Foreign Affairs of the respective countries, or whether the resident Representatives at Paris would be empowered to act as Plenipotentiaries.

M. Benedetti replied that in the despatch he had read the point was not precisely stated. After some desultory conversation on this subject Count Bismarck stated that unless it was a condition *sine quâ non*, or that the other Ministers for Foreign Affairs attended in person, he should be glad to be relieved of this duty, as his presence was imperatively required here.

I here observed that although I had no instructions on this point, it appeared to me that there were two reasons which would render desirable the presence of the Ministers for Foreign Affairs at the Conference: 1st, the presence of the Minister for Foreign Affairs would give greater solemnity to the Conference; and, 2nd, their participation in the Conference would obviate the necessity, in many cases, of applying for instructions to the different Governments, and consequently a great saving of time might thus be effected.

Count Bismarck observed that his presence in the Conference would not prevent his being obliged to refer any decision of importance to the King; he finally stated that of course his participation in the Conference must depend on the King's wishes.

M. Benedetti then begged to invite Count Bismarck's attention to that portion of the despatch referring to the suspension of the armaments by the Powers now engaged in military preparations, even if they should hesitate to replace their forces on a peace footing.

Count Bismarck replied that Austria was the State to apply to in this respect; he remarked that Prussia had never recalled her proposal and readiness to disarm, but it was Austria, he said, who had first commenced the armaments, and therefore it was for her first to commence the disarmament.

Before taking leave of Count Bismarck, his Excellency stated that he would reply to

the communication we had conjointly made from our respective Governments through the Prussian Representatives in London, Paris, and St. Petersburg, and that he would communicate to us conjointly the Prussian answer as soon as it was ready.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

No. 28.

Earl Cowley to the Earl of Clarendon.—(Received June 1.)

My Lord,

Paris, May 31, 1866.

M. DROUYN DE LHUYS has now been replied to affirmatively by all the Foreign Ministers invited to come to Paris; and his Excellency will address to-night telegrams to the different Courts proposing Tuesday, the 12th proximo, as the day for the first meeting of the Conference.

I asked his Excellency whether it was intended that the members of the Conference should be limited to the Ministers, or whether others were to be associated with them.

His Excellency replied that his notion was that the Conference should be established on the same principle as the Congress of 1856; that the members should have full powers, but that each Government should use its own pleasure as to the appointment of one or more Plenipotentiaries.

I have, &c.

(Signed) COWLEY.

No. 29.

The Earl of Clarendon to Lord Bloomfield.

My Lord,

Foreign Office, June 1, 1866.

COUNT APPONYI informed me last night that he had received a telegram from Count Mensdorff, stating that, although Austria would accept the proposal for a Conference, she might attach certain conditions to her doing so. These conditions were, that any question of granting an aggrandizement of territory or augmentation of power to any of the States taking part in the Conference should be altogether and beforehand excluded from its deliberations. And his Excellency further stated that the answer of his Government would contain a reservation in regard to the relations between Austria and Italy, and to the rights accruing to Austria under existing Treaties; and also some expression of surprise that the Pope was not invited to participate in the Conference.

In reply, I expressed to Count Apponyi the regret with which I heard the course which his Government proposed to take; that I would have preferred that Austria should have given a clear and distinct refusal rather than have clogged her acceptance with reserves and conditions which deliberately precluded the discussion of the questions which the Conference was convened to discuss.

I stated this, I said, without consulting my colleagues, and in ignorance of the view which might be taken by the other Governments of the Austrian answer; but that it appeared to me impossible that the conditions thus put forward could be accepted, and that the Conference must therefore be considered at an end, as it would be impossible, in the absence of an Austrian Plenipotentiary, to discuss the affairs of Austria.

The objections on which those conditions rested would, I said, have been better made in the Conference, where they might have been calmly discussed, and where the Austrian Plenipotentiary might have listened to proposals submitted to him, or made good his statements, and defended the policy of his Government.

According to my personal opinion, Austria appeared to me to be incurring a serious responsibility, not only for the consequences of a terrible war, but also as regarded a change, to her disadvantage, of public opinion. I added that I could not understand why Count Mensdorff should be surprised at the Pope not having been invited to send a Representative to the Conference, which was convened for the sole purpose of preventing a war for which there was no adequate cause; and I asked whether the affairs of the Papacy could be said to threaten the peace of Europe; and if they did not, neither England, nor Prussia, nor Russia, would be entitled, or could desire, to deal with them.

I am, &c.

(Signed) CLARENDON.

Sir A. Malet to the Earl of Clarendon.—(Received June 2.)

(Extract.)

Frankfort, June 1, 1866.

I HAVE the honour to inform your Lordship that in dealing with the simultaneous notes of the three neutral Powers, inviting the Diet to send a Plenipotentiary for the Germanic Confederation to the Conferences about to take place in Paris, unusual promptitude has been shown, and from reliable information I expect to receive the President's answer either this afternoon or to-morrow.

There is no doubt that the invitation will be accepted, and in all likelihood M. von der Pfordten will be chosen to represent the Confederation.

The Committee of seven have already held three meetings, the last of which only ended at 10 o'clock last night, and it was then decided that the Diet should sit to-day. There is every reason for believing that a decision has been taken, and I have full confidence in its being in the sense above surmised.

No. 31.

Count Mensdorff to Count Apponyi.—(Communicated to the Earl of Clarendon by Count Apponyi, June 4.)

Vienne, le 1 Juin, 1866.

VOUS trouverez dans l'annexe copie de la dépêche qui m'a été communiquée le 29 Mai par Lord Bloomfield, et qui transmet au Gouvernement Impérial l'invitation de prendre part à des délibérations communes qu'il s'agirait d'ouvrir prochainement à Paris. Une invitation semblable nous a été adressée en même temps, et en des termes presque identiques, par les Cours de Paris et de St. Pétersbourg.

Les trois Cabinets nous informent que ces délibérations auraient pour objet de résoudre dans l'intérêt de la paix, par la voie diplomatique, la question des Duchés de l'Elbe, celle du différend Italien, enfin celle des réformes à apporter au Pacte Fédéral Allemand, en tant qu'elles pourraient intéresser l'équilibre Européen.

Nous nous plaisons à rendre hommage au sentiment qui a dicté la démarche des trois Puissances. L'Autriche surtout est trop sensible aux bienfaits de la paix pour ne pas voir avec satisfaction les efforts tentés afin de détourner de l'Europe les calamités de la guerre.

Malgré les difficultés inhérentes à notre position en face des conjonctures actuelles, malgré les objections bien naturelles que pourrait soulever dans notre esprit l'idée d'une réunion appelée à discuter des questions d'une nature fort délicate pour le Gouvernement Impérial, nous ne refusons pas de nous associer à ces efforts. Nous voulons donner ainsi une nouvelle preuve des vues conciliantes et désintéressées qui n'ont cessé de guider notre politique.

Le Gouvernement Impérial désire seulement recevoir auparavant l'assurance que toutes les Puissances devant participer à la réunion projetée sont prêtes, comme il l'est, à n'y chercher la poursuite d'aucun intérêt particulier au détriment de la tranquillité générale. Pour que l'œuvre de la paix que les Cabinets ont en vue puisse s'accomplir, il nous semble indispensable qu'il soit convenu d'avance qu'on exclura des délibérations toute combinaison qui tendrait à donner à un des Etats invités aujourd'hui à la réunion un agrandissement territorial ou un accroissement de puissance. Sans cette garantie préalable, qui écarte les prétentions ambitieuses, et ne laisse plus de place qu'à des arrangements équitables pour tous au même degré, il nous paraîtrait impossible de compter sur une heureuse issue des délibérations proposées.

Toute Puissance animée de sentiments vraiment pacifiques n'hésitera pas à prendre un engagement semblable à celui que je viens d'indiquer, et les Cabinets pourront, dans ce cas, s'occuper avec quelque chance de succès des moyens d'aplanir les difficultés du moment.

Nous croyons que le Gouvernement Anglais ne pourra méconnaître ce qu'il y a de fondé dans notre demande. Il y verra, sans doute, le désir sincère d'assurer aux Conférences la seule base qui puisse prévenir les illusions, dissiper les malentendus, sauvegarder enfin les droits existants et permettre ainsi à l'Europe de rattacher de solides espérances de paix à l'ouverture des délibérations. Aussitôt que les trois Gouvernements qui nous ont invités seront en mesure de nous faire parvenir l'assurance que nous demandons, le Gouvernement Impérial s'empressera de confirmer par l'envoi à Paris d'un Plenipotentiaire l'adhésion qu'il donne dès aujourd'hui, sous cette réserve, à la proposition qui lui a été transmise.

Il est bien entendu toutefois, que la position prise par le Gouvernement Impérial vis-

à-vis du Gouvernement du Roi Victor Emmanuel ne saurait être ni altérée ni préjugée par le consentement éventuel de l'Autriche de se faire représenter dans une réunion qui doit s'occuper "du différend Italien." Dans des Conférences diplomatiques, tenues avant que la guerre n'ait rompu tout engagement antérieur, on doit admettre que le droit public Européen, et par conséquent les Traités, servent naturellement de point de départ. Nous pensons que cette remarque ne peut soulever d'objection; elle suffit pour indiquer l'attitude que nous aurons à prendre, et nous croyons donner aux Puissances un gage de la parfaite loyauté de nos intentions en montrant une franchise qui doit être entière de part et d'autre, si on veut qu'un essai sincère de conciliation est tenté.

Nous devons enfin exprimer quelque surprise de ce que le Gouvernement Pontifical ne soit pas également convié à prendre part à des délibérations concernant le différend Italien. La situation de l'Italie ne saurait assurément être examinée sans qu'il soit tenu compte des intérêts de la Papauté. En dehors des questions de droit que nous tenons pourtant à réserver intactes, la souveraineté temporelle du Saint Siège est un fait reconnu, à ce qu'il me semble, par tous les Gouvernements. Sa Sainteté a donc le droit incontestable de faire entendre sa voix dans une réunion qui doit s'occuper des affaires d'Italie.

...Veuillez donner communication de la présente dépêche à Lord Clarendon, et lui exprimer l'espoir qu'il accueillera nos observations avec l'esprit de loyauté qui nous les a inspirées.

Nous pensons que les positions respectives doivent être nettement établies de part et d'autre, si on ne veut pas bercer l'Europe et soi-même de trompeuses illusions, au risque d'aggraver ainsi le péril au lieu de le diminuer.

Nous croyons donc rendre service à l'intérêt général en formulant une demande et en provoquant des explications qui seront de nature à répandre plus de clarté sur la situation.

Recevez, &c.
(Signé) MENSITORFF.

(Translation.)

Vienna, June 1, 1866.

YOU will find annexed herewith copy of the despatch communicated to me on the 29th of May by Lord Bloomfield, which transmits to the Imperial Government the invitation to take part in common deliberations which are shortly to commence in Paris. A similar invitation has been addressed to us at the same time, and in almost identical terms, by the Courts of Paris and St. Petersburg.

The three Cabinets inform us that the object of these deliberations would be to solve in the interest of peace, by means of diplomacy, the question of the Elbe Duchies, that of the Italian difficulty, and, lastly, that of the reforms to be introduced in the German Federal Pact, so far as they may concern the balance of power in Europe.

We rejoice in doing justice to the sentiments which have dictated the steps taken by the three Powers. Austria especially is too alive to the blessings of peace not to see with pleasure the efforts made to avert from the face of Europe the calamities of war.

Notwithstanding the difficulties of our position in presence of the existing state of affairs, notwithstanding the very natural objections to which the idea of a meeting called upon to discuss questions of a most delicate nature, as regards the Imperial Government, might give rise in our minds, we do not refuse to associate ourselves with these efforts. We thus wish to give a fresh proof of the conciliatory and disinterested views which have never ceased to animate our policy.

The Imperial Government desires only to receive beforehand the assurance that all the Powers which are to participate in the projected Conference are as ready as itself not to pursue any private interest to the detriment of the general peace. In order that the work of peace, which the Cabinets have in view, may be successfully accomplished, it appears to us indispensable that an agreement should be come to beforehand, to the effect that all plans tending to give a territorial aggrandizement or an increase of power to any one of the Powers invited to the meeting, be excluded from the deliberations. Without this preliminary guarantee, which removes all ambitious designs, and leaves room only for arrangements equitable for all parties in the same degree, it appears to us impossible to depend on a happy issue for the proposed deliberations.

No Power imbued with really peaceful views will hesitate to enter into an engagement such as that which I have just indicated, and the Cabinets will, in that case, be able to occupy themselves with some chance of success at the solution of the present difficulties.

We believe that the English Government will not fail to recognize the legitimacy of our request. It will no doubt observe our sincere wish to secure to the Conferences the only basis possible to prevent any illusion, avert misunderstanding, protect existing

rights, and thus again allow Europe to attach well-founded hopes of peace to the opening of the deliberations. As soon as the three Governments which have invited us are prepared to give us the assurance we ask for, the Imperial Government will hasten, by sending a Plenipotentiary to Paris, to confirm the adhesion it this day gives, with the above reservation, to the proposal which has been made to it.

It must, however, be clearly understood that the position assumed by the Imperial Government towards that of King Victor Emmanuel cannot either be altered or prejudged by the eventual consent of Austria to be represented in an assembly which has to apply itself to the Italian difficulty.

In all diplomatic Conferences held before war may have broken off any former engagement, it must be admitted that the international law of Europe, and therefore the Treaties, naturally serve as starting-points of discussion. We believe that this remark cannot give rise to any objections; it is sufficient to show the attitude which we shall have to assume; and we think that we are giving the Powers a pledge of the perfect loyalty of our intentions in showing a frankness which must be completely reciprocal if it is desired that a sincere effort at reconciliation should be attempted.

Lastly, we must express some surprise that the Government of the Pope is not also invited to take part in deliberations concerning the Italian difficulty. Surely the situation of Italy cannot be discussed without taking the interests of the Papacy into consideration. Apart from the questions of right, which we desire, however, to preserve entire, the temporal power of the Pope is, it appears to me, a fact recognized by all Governments. His Holiness has therefore the unquestionable right to make his voice heard in an assembly which has to occupy itself with the affairs of Italy.

Be so good as to communicate this despatch to Lord Clarendon, and to express to him the hope that he will receive our remarks with the same loyal spirit which has dictated them to us.

We are of opinion that the respective positions should be clearly defined on either side, if we would not lull Europe and ourselves by false illusions at the risk of thus augmenting rather than diminishing the peril.

We think, therefore, that we are rendering service to the general interest in making this request, and in inviting such explanations as will throw more light on the situation.

Receive, &c.

(Signed) MENS DORFF.

No. 32.

Sir A. Malet to the Earl of Clarendon.—(Received June 4.)

My Lord,

Frankfort, June 2, 1866.

THE Diet, as I had the honour to report in my despatch of yesterday's date would be the case, held their ordinary sitting, and received the report of the Commission appointed on the 29th May to consider the invitation to send a Plenipotentiary to take part in the Conferences about to be held in Paris, to deliberate on the means of maintaining peace.

I have the honour to annex a translation of the note which his Excellency the President sent me yesterday evening, in reply to that which I addressed to his Excellency under date of the 27th of May, and am glad to find that it confirms the anticipations which I have already had the honour of conveying to your Lordship, and to report that the resolution to send a Representative to the Paris Conferences has been adopted by the Diet with unanimity and promptitude quite unusual in the Diet's deliberations.

Your Lordship will not fail to observe the marked manner in which the President's note dwells on the duty of upholding the Treaties by which the Confederation was founded; and that his Excellency also specifies and makes reserve of certain questions which the Diet thinks ought not to be discussed in the Paris Conferences as being matters appertaining to the exclusive competence of the Diet.

The choice of M. von der Pfordten may be said to have been unanimous, as, so far as I can learn, the only vote which failed his Excellency was that of Holstein, which is in abeyance.

I have, &c.

(Signed) A. MALET.

Inclosure in No. 32.

M. de Kübeck to Sir A. Malet.

(Traduction.)

Frankfort, le 1 Juin, 1866.

LE Soussigné, Ministre d'Autriche, Président de la Diète Germanique, a eu l'honneur de recevoir la note que son Excellence Sir Alexander Malet, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique près la Confédération Germanique, a bien voulu lui adresser sous la date du 27 de ce mois d'un commun accord avec son Excellence M. l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur des Français, et avec celui de Sa Majesté l'Empereur de toutes les Russies, pour inviter la Confédération Germanique à prendre part aux délibérations qui doivent avoir lieu à Paris dans l'intérêt du maintien de la paix.

Il s'est empressé de communiquer cette note à la Haute Diète, et il a l'honneur d'informer son Excellence Sir Alexander Malet qu'elle vient de prendre la résolution de se rendre à l'appel fait à la Confédération Germanique.

De même que les Gouvernements de la Grande Bretagne, de France, et de Russie se sont rencontrés dans une même pensée de paix et de conciliation, la Diète, fidèle à l'esprit des Traités sur lesquels la Confédération Germanique est basée, est animée du vif désir de contribuer au maintien de la paix, en tant qu'il dépend d'elle.

Elle manifeste ce désir, en faisant à cet effet, dans sa sphère, tous les efforts possibles, et elle le manifestera aussi par une co-opération loyale et désintéressée aux négociations proposées.

Ces délibérations auront pour objet la question des Duchés de l'Elbe, les complications en Italie, et les réformes à apporter au Pacte Fédéral, en tant qu'elles pourraient intéresser l'équilibre Européen.

Il n'y a pas de difficulté à ce que la Confédération Germanique participe aux délibérations sur la question des complications en Italie, qui touchent non seulement aux intérêts Européens, mais encore aux intérêts Allemands; les autres questions donnent cependant lieu à des réserves explicatives. La question Holsteinoise, à part le Slesvig, a été toujours considérée comme purement Allemande; celle de la réforme de la Constitution Fédérale, abstraction faite des relations internationales de la Confédération Germanique, a été toujours considérée comme une question purement intérieure, et rien n'autorise à supposer qu'une autre manière de voir dirigera les délibérations qui vont avoir lieu. La Diète croit donc pouvoir se borner à constater ces principes. Elle croit de même pouvoir être assurée de l'assentiment général, en déclarant d'adhérer toujours au principe que toute modification ou résiliation de Traités ne peut se faire sans le consentement des intéressés.

Conformément à ces vues, la Confédération Germanique enverra aussi promptement qu'il sera possible son Plénipotentiaire à Paris.

La Diète a confié cette mission honorable au Baron von der Pfordten, Ministre d'Etat de Sa Majesté le Roi de Bavière; il se joindra aux autres Plénipotentiaires aussitôt que la date de la réunion sera notifiée.

Le Soussigné prie son Excellence Sir Alexander Malet de vouloir bien porter cette communication à la connaissance du Gouvernement de Sa Majesté Britannique, et il saisit, &c.

(Signé) KUBECK.

(Translation.)

Frankfort, June 1, 1866.

THE Undersigned, Minister of Austria, President of the Germanic Diet, has had the honour of receiving the note which his Excellency Sir Alexander Malet, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the Germanic Confederation, has been pleased to address to him on the 27th ultimo, by common understanding with his Excellency the Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of the French, and of His Majesty the Emperor of all the Russias, to invite the Germanic Confederation to take part in the deliberations which are to take place in Paris in the interests of the maintenance of peace.

He has hastened to communicate this note to the Upper Diet, and has the honour of informing Sir A. Malet that the Diet has just resolved to respond to the invitation made to the Germanic Confederation. In like manner as the Governments of Great Britain, France, and Russia have acted under a common feeling of peace and reconciliation, the Diet, true to the spirit of the Treaties on which the Germanic Confederation is based, is animated by a great desire to contribute, so far as depends upon it, to the maintenance of peace.

It manifests this desire in making every possible effort to this effect in its own sphere, and it will also prove it by a loyal and disinterested co-operation in the proposed negotiations.

These deliberations will have for object the question of the Elbe Duchies, the Italian difficulties, and the reforms to be introduced into the Federal Pact so far as they may interest the balance of power in Europe.

There is no obstacle in the way of the Germanic Confederation taking part in the deliberations on the question of complications in Italy, which not only concern European, but also German interests. The other questions, however, necessitate some explanatory observations. The Holstein question, putting Schleswig aside, has always been considered purely German; that of the reform of the Federal Constitution, excepting as regards the international relations of the Germanic Confederation, has always been looked upon as purely internal, and there is no ground for believing that these questions will be looked upon in a different light during the coming deliberations. The Diet thinks it right to confine itself, therefore, to laying down these principles. It also believes itself confident of the general assent in declaring that it will ever adhere to the principle that no modification or abrogation of the Treaties can be made without the consent of the parties interested.

According to these views the Germanic Confederation will send, as soon as possible, its Plenipotentiary to Paris.

The Diet has confided this honourable mission to the Baron von der Pfordten, Minister of State of His Majesty the King of Bavaria; he will join the other Plenipotentiaries as soon as the date of the meeting is made known.

The Undersigned begs that his Excellency Sir A. Malet will bring this communication under the notice of the Government of Her Britannic Majesty.

(Signed) KUBECK.

No. 33.

The Earl of Clarendon to Lord Bloomfield.

(Extract.)

Foreign Office, June 4, 1866.

THE Austrian Ambassador communicated to me this morning the despatch from Count Mensdorff, of which I inclose a copy,* being the reply of the Austrian Government to the invitation to attend a Conference which had been presented by your Excellency and your French and Russian colleagues.

I told Count Apponyi that I claimed no right on the part of Her Majesty's Government to remonstrate against the course which a great and independent Power like Austria thought proper to pursue for the maintenance of her dignity and in defence of her interests; but that as England was deeply interested in the preservation of peace, and as Her Majesty's Government had spared no effort to prevent a war which they thought would be without sufficient cause, and therefore unjustifiable, I must be permitted to express my sincere regret that Austria should have put her veto upon the meeting of a Conference which other Powers had agreed to attend for the purpose of deliberating upon the questions that now endangered the peace of Europe.

I begged leave also to say that, in my opinion, Austria would have stood better in the eyes of Europe, if the views and the arguments contained in the despatch which his Excellency had just had the goodness to read to me had been stated by an Austrian Plenipotentiary at the Conference, where he would have had the opportunity of learning how they were judged by the Representatives of other Powers, and how far they might be capable of modification, as well as how far other Powers might be brought to view matters in the same light as Austria.

No. 34.

Mr. Elliot to the Earl of Clarendon.—(Received June 5.)

My Lord,

Florence, May 30, 1866.

UPON the arrival of the messenger last night, I called upon General La Marmora, and communicated to him your Lordship's instructions directing me, in concert with my French and Russian colleagues, to invite the Italian Government to take part in a

Conference to be held at Paris upon the three questions which at present threaten the peace of Europe.

General La Marmora had no difficulty in at once declaring that as soon as the invitation was made, the Italian Government would be ready to accept it, and in order that no unnecessary time might be lost, he said he would be glad to prepare his answer if he knew the exact terms in which the invitation would be made.

As Baron de Malaret and myself had both received our instructions, although those of M. Kisseleff were not yet arrived, I conceived I should be carrying out the wishes of Her Majesty's Government by leaving in the hands of General La Marmora the copy of the French and Russian form of despatch inclosed in your Lordship's despatch, and which I left with him in preference to your Lordship's instruction to me on account of its being written in French, and I informed Baron de Malaret that I had done so.

The answer of the Italian Government will therefore be prepared and ready to be sent off as soon as the arrival of M. Kisseleff's instructions enable the three notes to be sent in.

With the same view of saving time M. de Malaret has communicated his instructions to M. de Kisseleff, whose note has been prepared from them so that it can be given in the moment his own arrive.

I have, &c.
(Signed) HENRY ELLIOT.

No. 35.

Mr. Elliot to the Earl of Clarendon.—(Received June 5.)

(Extract.)

Florence, June 1, 1866.

M. KISSELEFF having this morning received from his Government instructions identic with those already received by Baron de Malaret and myself, we immediately proceeded to the Foreign Office, and delivered to General La Marmora the notes into which we had embodied the despatches of our respective Governments, inviting the Italian Government to take part in a Conference proposed to be held at Paris with a view of averting, if possible, the war which otherwise appears imminent.

General La Marmora informed us that the Italian Government would, without hesitation, accept the invitation, and that the answers in this sense would be forwarded by to-night's post to the Italian Ministers in London, Paris, and St. Petersburg.

He trusted no unnecessary delay might take place in the assembling of the Conference, and said that, as he proposed to attend it in person, it was his intention to set out for Paris the night of Tuesday, the 5th instant, or the next day.

He promised, in the course of the evening, to communicate to us a copy of his answer to the notes we had presented.

I have, &c.
(Signed) HENRY ELLIOT.

No. 36.

General La Marmora to the Marquis d'Azeglio.—(Communicated to the Earl of Clarendon by the Marquis d'Azeglio, June 5.)

M. le Ministre,

Florence, le 1 Juin, 1866.

LES Représentants de la Grande Bretagne, de la France, et de la Russie auprès du Gouvernement du Roi, sont venus aujourd'hui me remettre des notes identiques au nom de leurs Gouvernements respectifs pour inviter l'Italie à prendre part à des délibérations qui auraient lieu à Paris à l'effet de résoudre, par la voie diplomatique, les trois principales questions qui menacent d'une guerre prochaine l'Italie et l'Allemagne.

Le Gouvernement du Roi adhère à cette proposition avec l'empressement que réclame l'urgence des complications actuelles. Il apporte d'autant plus volontiers son concours à la noble entreprise des trois Grandes Puissances neutres, qu'il est loin de craindre, pour les intérêts qui le concernent le plus directement, l'épreuve d'un débat solennel.

C'est un devoir, selon nous, pour les Gouvernements engagés dans le conflit de ne point éluder les difficultés qui l'ont provoqué; l'efficacité de l'œuvre de la Conférence est à ce prix. Pour notre part, la netteté de notre situation vis-à-vis de l'Autriche nous rend ce devoir facile à remplir.

Le double objet du différend existant entre la Prusse et l'Autriche a été précisé dans les notes que les Ministres des trois Puissances ont bien voulu me remettre; à défaut de bases de solution reconnues d'un commun accord, c'est là du moins un point de départ qui permettra à la Conférence de donner dès l'abord une direction utile à ses discussions. Le Gouvernement du Roi désire pouvoir contribuer à ce que la réunion des Plénipotentiaires des Puissances ait des conséquences favorables aux intérêts de l'Allemagne. Quant au différend qui divise depuis longtemps l'Autriche et l'Italie, il semble qu'il n'ait pas même été jugé nécessaire d'en déterminer l'objet. Sous quelque point de vue qu'on le considère, il est impossible de méconnaître ce fait, que la domination de l'Autriche sur des provinces Italiennes crée entre l'Autriche et l'Italie un antagonisme qui touche aux bases mêmes de l'existence des deux Etats. Cette situation, après avoir constitué pendant de longues années un danger permanent pour la paix générale, vient d'aboutir à une crise décisive.

L'Italie a dû s'armer pour assurer son indépendance; elle est persuadée d'autre part que la réunion convoquée à Paris aidera à la solution déjà jugée indispensable, il n'est pas téméraire de le dire, dans la conscience de l'Europe.

Je vous prie, M. le Ministre, de donner sans retard communication du contenu de la présente dépêche à son Excellence M. le Ministre des Affaires Etrangères.

Agréez, &c.

(Signé) ALPHONSE LA MARMORA.

(Translation.)

M. le Ministre,

Florence, June 1, 1866.

THE Representatives of Great Britain, France, and Russia at this Court presented to me this day identic notes in the name of their respective Governments, inviting Italy to take part in the deliberations to take place in Paris, in order to solve by means of diplomacy the three principal questions which threaten with imminent war both Italy and Germany.

The Government of the King adheres to this proposal with all the eagerness demanded by the urgent nature of the existing complications. It lends its support to the noble undertaking of the three great neutral Powers with the greater alacrity, since it is far from apprehending, with respect to the interests which concern it most, the trial of a solemn debate.

We believe it to be a duty incumbent on the Governments engaged in the dispute not to elude the difficulties which have provoked it: the efficacy of the work to be performed by the Conference depends on it. As far as we are concerned, the clearly defined nature of our position with regard to Austria renders this duty an easy one to fulfil.

The double nature of the existing differences between Prussia and Austria has been defined in the notes which the Ministers of the three Powers have been pleased to remit to me. Failing any mutually recognized basis of solution, this is at least a starting-point which will allow the Conference to give at the outset a useful direction to its discussions. The Government of the King is desirous to contribute its share, in order that the meeting of the Plenipotentiaries of the different Powers may be followed by results favourable to the interests of Germany. As to the difference which for a long time has divided Austria and Italy, it would seem that the definition of its object has not even been deemed necessary.

From whatever point of view it is considered, it is impossible to ignore the fact that the domination of Austria over Italian provinces creates between Austria and Italy an antagonism which vitally affects the very existence of the two States. This situation, after constituting for several years a permanent danger to the peace of Europe, has just reached a decisive crisis.

Italy has been forced to arm to ensure her independence; she is convinced, on the other hand, that the meeting convoked at Paris will aid in the settlement now considered indispensable, as it is not too much to say, by the conscience of Europe.

I beg, M. le Ministre, that you will communicate the contents of this despatch without delay to his Excellency the Minister for Foreign Affairs.

I have, &c.

(Signed) ALPHONSE LA MARMORA.

The Earl of Clarendon to Earl Cowley.

My Lord,

Foreign Office, June 5, 1866.

THE French Ambassador has read to me to-day a despatch from M. Drouyn de Lhuys dated yesterday, on the subject of the answer returned by the Austrian Government to the invitation to a Conference, which had been addressed to it by the Governments of England, France, and Russia.

M. Drouyn de Lhuys observes that, by excluding any fresh territorial arrangements the Cabinet of Vienna precludes the Conference from entertaining the question of the Italian dispute; that by reason of the declaration made at Frankfort by Austria on the 1st June, the question of the Elbe Duchies is equally withdrawn from discussion in the Conference, inasmuch as it is transferred to the Diet; and that the remaining question of Federal reform, which would have been treated of in Conference from its bearing, first, on the differences between Austria and Prussia, and, secondly, on the general interest of the balance of power, is not of itself of sufficient importance to warrant the convocation of a Conference.

The French Government, under these circumstances, concur with those of England and Russia in considering that it would be of no advantage to open the Conference; they are deeply grieved at the disappointment of the hopes which they had placed in its result; they do full justice to the readiness with which Italy and Prussia have accepted the invitation of the three Powers; they desire to record the high opinion they entertain of the frankness and sincerity of the British Government, which so greatly contributed to the establishment of an understanding between the three Powers; and they take exactly the same view as the British Government of the incident which has compelled them to suspend their efforts to bring about a discussion which they trusted would have conduced to the reconciliation of the Powers now in arms, and to the maintenance of peace.

I am, &c.

(Signed) CLARENDON.

Circular to Her Majesty's Ministers at the German Courts and Berne.

(Extract.)

Foreign Office, June 5, 1866.

IT is with the utmost regret that I have to acquaint you that looking to the reserves made by the Cabinet of Vienna in announcing its readiness to attend the proposed Conference at Paris, it has appeared hopeless to anticipate any good result from such a meeting of the Plenipotentiaries of the several Powers, and therefore the project has been altogether abandoned.

Her Majesty's Government do not feel called upon to pronounce any judgment on the course that the Austrian Government has pursued in this matter. But they cannot do otherwise than feel the greatest regret that apparently the last expedient for preserving the peace of Europe has been renounced without a trial, and that there remains nothing more for the neutral Powers at the present moment to do than to look on with sorrow at the misery and ruin by which it is probable that some of the fairest countries in Europe will be overwhelmed.

But though disappointed at the failure of their recent endeavours, in conjunction with France and Russia, at all events to retard for a time the breaking out of war, while conscious of having used their utmost exertions for that purpose, Her Majesty's Government will not abandon the hope that the experience of its evils may in a short time render all those who are engaged in it more disposed to lay aside extreme pretensions and ambitious views, and to accept with sincerity the good offices of friendly Powers for the settlement of differences and for the reconciliation of animosities. Her Majesty's Government will be at all times ready to contribute to the utmost of their ability, and with entire singleness of purpose, to the adjustment, not only of the questions which now divide the litigant States, but of any others which may arise between them in the prosecution of hostilities.

It is the earnest desire of Her Majesty's Government that all such differences should be settled between States without a recourse to war.

*The Earl of Clarendon to Lord Bloomfield.**

Sir,

Foreign Office, June 8, 1866.

THE Austrian Ambassador has communicated to me a despatch from his Court in reply to the invitation which you, in conjunction with your colleagues of France and Russia, addressed to the Austrian Government to attend a Conference at Paris, having for its object to devise means for maintaining the peace of Europe.

The Prussian Ambassador and the Italian Minister have made known to me in the same manner the replies of their respective Courts; and Her Majesty's Envoy at Frankfort has reported to me the result of his communication on the subject with the Diet of the Germanic Confederation.

It is unnecessary for me to comment severally on these answers, which, with one exception, would have realized the object which the Governments of England, France, and Russia sought to obtain by their invitations, and would have admitted of a free deliberation between the neutral and the dissident Powers that might have resulted in an amicable understanding in regard to all points of difference by which the latter are divided.

Unfortunately the decision of Austria to subject her entrance into the Conference to the acceptance by the other Powers of a preliminary condition which would have eliminated from discussion one of the topics most fraught with danger to the general peace, and her further decision to make over to the German Confederation, as far as she was concerned, the solution of another most vital question, debarred the Conference from entering upon two out of the three matters for the settlement of which it was proposed that it should assemble; and it has appeared, therefore, to the Governments of England, France, and Russia, useless to open a discussion upon the third alone, which only partially affected the general interests of Europe.

Under these circumstances Her Majesty's Government could not hesitate to concur with the Governments of France and Russia in the inutility of proceeding further with the proposed Conference, and it only remains for me to instruct you to announce to the Government to which you are accredited that it is abandoned.

But in making this communication, and in expressing the regret of Her Majesty's Government at the disappointment of the expectations which Europe might have entertained of a successful issue of the Conference, you will add that Her Majesty's Government will not abandon the hope that, at no distant day, recourse may be had to the friendly intervention of neutral and disinterested Powers for restoring the good understanding now unfortunately interrupted; and that in that case Her Majesty's Government will be found disposed to exert to the utmost their good offices in the cause of conciliation and of peace.

I am, &c.

(Signed) CLARENDON.

* Similar despatches were addressed to Lord A. Loftus, Mr. Elliot, and Sir A. Malet.

CORRESPONDENCE respecting the proposed
Assembly of a Conference at Paris.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1866.*

LONDON:

PRINTED BY HARRISON AND SONS,

CORRESPONDENCE

RESPECTING THE

EXTRADITION TREATY

WITH

FRANCE.

*Presented to both Houses of Parliament by Command of Her Majesty.
July 1866.*

LONDON:
PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.		Page
1.	The Prince de la Tour d'Auvergne to the Earl of Clarendon	December 4, 1865 1
2.	The Earl of Clarendon to Earl Cowley	January 10, 1866 3
3.	The Earl of Clarendon to Earl Cowley	January 10, — 6
4.	The Earl of Clarendon to Earl Cowley	January 20, — 7
5.	Earl Cowley to the Earl of Clarendon One Inclosure.	January 22, — 8
6.	Earl Cowley to the Earl of Clarendon Four Inclosures.	January 23, — 10
7.	The Earl of Clarendon to Sir F. Bruce	January 24, — 15
8.	Earl Cowley to the Earl of Clarendon One Inclosure.	January 26, — 16
9.	The Earl of Clarendon to Sir F. Bruce	January 27, — 16
10.	The Earl of Clarendon to Earl Cowley Three Inclosures.	February 12, — 17
11.	Earl Cowley to the Earl of Clarendon	February 13, — 21
12.	The Earl of Clarendon to Earl Cowley One Inclosure.	February 16, — 22
13.	Earl Cowley to the Earl of Clarendon	February 20, — 22
14.	The Earl of Clarendon to Earl Cowley One Inclosure.	March 3, — 23
15.	Sir F. Bruce to the Earl of Clarendon Three Inclosures.	February 23, — 23
16.	Earl Cowley to the Earl of Clarendon	April 9, — 25
17.	Sir T. Henry to the Earl of Clarendon One Inclosure.	April 20, — 26
18.	Mr. Hammond to Mr. Waddington	May 9, — 27
19.	Mr. Waddington to Mr. Hammond	May 11, — 28
20.	The Prince de la Tour d'Auvergne to the Earl of Clarendon	May 21, — 28
21.	The Earl of Clarendon to the Prince de la Tour d'Auvergne	May 25, — 29
22.	The Earl of Clarendon to Earl Cowley	May 25, — 29

APPENDIX.

Convention between Great Britain and France, for the mutual Surrender, in certain cases, of Persons fugitive from Justice.—Signed at London, February 13, 1843	31
Act of the British Parliament "For giving Effect to a Convention between Her Majesty and the King of the French, for the Apprehension of certain Offenders."—August 22, 1843	33
An Act for facilitating Execution of the Treaties with France and the United States of America, for the Apprehension of certain Offenders.—August 8, 1845	35

Correspondence respecting the Extradition Treaty with France.

No. 1.

The Prince de la Tour d'Auvergne to the Earl of Clarendon.—(Received December 5.)

M. le Comte,

Londres, le 4 Décembre, 1865.

J'AI eu l'honneur d'adresser au Comte Russell, au mois de Novembre 1864 et de Mars 1865, diverses communications au sujet de l'insuccès des demandes d'extradition que nous avons été dans le cas d'adresser au Gouvernement de la Grande Bretagne, et ma dernière dépêche du 13 Mars lui faisait pressentir que, dans le cas où les améliorations que nous étions désireux d'apporter au régime créé par la Convention de 1843 seraient repoussées, nous pourrions nous trouver dans l'obligation de dénoncer le Traité.

Votre Excellence connaît les difficultés contre les quelles viennent toujours échouer nos demandes d'extradition. Je prendrai la liberté de lui rappeler, ici, seulement les deux principales.

En premier lieu, le Gouvernement de la Reine ne se croit pas autorisé à nous livrer les condamnés, vu que la Convention ne mentionne que les accusés. Afin de faire disparaître les conséquences peu logiques d'un système qui eût consacré le principe d'extradition pour les personnes simplement présumées coupables, et qui l'eût repoussé pour les personnes légalement convaincues par une sentence judiciaire, nous avons proposé de comprendre expressément les condamnés dans une disposition additionnelle au Traité de 1843. Mais notre offre a été déclinée par le Gouvernement de la Reine qui a craint de ne pouvoir faire accepter cette disposition par le Parlement.

En second lieu, la Convention d'Extradition, telle que l'interprètent les Avocats de la Couronne, paraîtrait se résumer dans l'obligation d'aller en quelque sorte faire juger le procès en Angleterre, ainsi que nous avons pu le constater entre autres par le refus récemment opposé à notre demande d'extradition du nommé Teissier, l'un des pirates du "Fæderis Arca," qu'on supposait devoir aborder à Calcutta. L'Avocat-Général du Gouvernement de l'Inde et les Avocats de la Couronne ont déclaré que pour autoriser l'arrestation et le renvoi en France du fugitif, il aurait fallu joindre au mandat d'arrêt des copies des dépositions déjà reçues dans l'information et dont l'authenticité aurait été attestée sous serment par la personne qui les aurait produites de telle sorte que le Magistrat de Police de Calcutta pût constater si le fugitif était, *primâ facie*, coupable du crime pour lequel son extradition était réclamée.

Ces exigences nous paraissent constituer un obstacle permanent au succès des demandes d'extradition, en même temps qu'elles diffèrent de la pratique généralement suivie sur la matière par les autres Puissances de l'Europe. Le Gouvernement de l'Empereur en effet n'envisage point l'extradition comme une mesure destinée à couvrir les intérêts spéciaux de tel ou tel Etat, mais comme l'application la plus large du principe de la répression pénale au point de vue de l'ordre social, qui réunit dans un but commun de protection et de garantie mutuelle tous les peuples civilisés. Il la considère comme ayant pour but de restituer le coupable à son juge naturel en le privant du bénéfice du droit d'asile qu'il devait autrefois à l'hostilité des divers peuples entre eux et à leur indifférence pour les crimes commis en dehors de leur territoire. Dans cet ordre d'idées l'extradition n'est plus qu'une loi de procédure et de compétence internationales et les Etats Contractants en pareille matière n'ont à se demander réciproquement que les preuves indispensables pour vérifier si les poursuites sont sérieusement dirigées par le juge compétent et motivées par des crimes communs. Nous ne verrions pas bien l'utilité réelle d'un Traité qui s'écarterait de cette règle, et nous n'y trouverions point le caractère

de réciprocité essentiel dans les rapports internationaux. En ce qui concerne le Traité du 13 Février, 1843, une expérience de vingt-deux années nous en a démontré l'inefficacité en faisant ressortir l'anomalie d'une situation où le contrat n'est exécuté que par d'une des parties et qui ne saurait se prolonger sans inconvénients pour la France.

Dans cet état de choses, le Gouvernement de l'Empereur a dû se préoccuper sérieusement du soin de dégager sa responsabilité en présence des facilités offertes aux malfaiteurs pour trouver un refuge à quelques heures de nos côtes et d'une impunité dont la conscience publique est jusqu'à un certain point fondée à lui demander compte tant que le Traité subsiste.

En conséquence, j'ai reçu l'ordre d'annoncer officiellement à votre Excellence qu'usant de la faculté inscrite à l'Article IV de la Convention du 13 Février, 1843, le Gouvernement de l'Empereur a cru devoir prendre la résolution de dénoncer le Traité qui cessera de produire ses effets dans six mois à dater de la présente déclaration, que j'ai été chargé de porter à la connaissance de votre Excellence.—

Veuillez, &c.

(Signé) PCE. DE LA TOUR D'AUVERGNE.

(Translation.)

M. le Comte,

London, December 4, 1866.

I HAD the honour to address to Lord Russell in the months of November 1864 and March 1865, various communications on the subject of the failure of the demands for extradition which we have had occasion to address to the Government of Great Britain, and my last despatch of March 13 led him to foresee that, in the event of the improvements which we desired to introduce into the procedure created by the Convention of 1843, being rejected, we might find ourselves obliged to denounce the Treaty.

Your Excellency is aware of the difficulties owing to which our demands for extradition always miscarry. I shall take the liberty of recapitulating here, only the two principal ones.

In the first place, the Government of the Queen does not consider itself authorized to deliver up persons condemned, since the Convention only mentions those accused. In order to obviate the consequences, hardly logical, of a system which had ratified the principle of extradition for persons simply presumed to be guilty, and which had rejected it as regards persons legally condemned by a judicial sentence, we proposed to include expressly those condemned by a stipulation supplementary to the Treaty of 1843. But our offer was declined by the Queen's Government, which feared it would be unable to induce Parliament to accept this arrangement.

In the second place, the Convention of Extradition, according to the interpretation of the Law Officers of the Crown, would appear to resolve itself into the obligation in some degree to form an opinion on the case in England, as amongst other cases, we have been able to show by the refusal lately made to our demand for the extradition of Teissier, one of the pirates of the "Fæderis Arca," who was supposed to have landed at Calcutta. The Advocate-General of the Government of India and the Law Officers of the Crown declared that to authorise the arrest and return to France of the fugitive, it would have been necessary to add to the warrant of arrest copies of the depositions already taken in the information, and the authenticity of which should have been attested on oath by the person producing them, so that the Police Magistrate of Calcutta could determine whether the fugitive was *primâ facie* guilty of the crime on account of which extradition was demanded.

These requirements appear to us to constitute a permanent obstacle to the success of the demands of extradition, and at the same time to differ from the practice generally followed in the matter by the other Powers of Europe. The Government of the Emperor, in point of fact, does not regard extradition as a measure intended to provide for the special interests of a particular State, but as the largest possible application of the principle of the repression of crime from the point of view of social order which unites together all civilized peoples in the common aim of protection and mutual guarantee. They consider it as aiming to restore the guilty person to his natural judge in depriving him of the right of asylum which originally he owed to the hostility of the different nations amongst themselves, and to their indifference to crimes committed outside their territory. According to this view extradition is only a law of international procedure and competency, and the Contracting States, in like case, have only reciprocally to ask for the necessary proofs to show that the proceedings are really directed by a competent judge and occasioned by common crimes. We have not clearly seen the actual utility of

a Treaty which digresses from this rule, and we have not found in it the character of reciprocity essential in international engagements. As regards the Treaty of February 13, 1843, the experience of twenty-two years has demonstrated its inefficiency in showing the anomaly of a situation when the contract is only executed by one of the parties, and which cannot be prolonged without inconvenient results to France.

In this state of things the Emperor's Government thought right to take into serious consideration the means of freeing themselves from their responsibility in the face of facilities offered to criminals of finding a refuge at a few hours' distance from our coasts, and an impunity which public conscience is up to a certain point bound to call in question so long as the Treaty is in force.

In consequence, I have received directions officially to announce to your Excellency that in virtue of the power given in Article IV of the Convention of February 13, 1843, the Government of the Emperor has thought proper to resolve to denounce the Treaty, which will cease to have effect in six months' date from the present declaration, which I have been charged to bring to your Excellency's knowledge.

Accept, &c.

(Signed) PCE. DE LA TOUR D'AUVERGNE.

No. 2.

The Earl of Clarendon to Earl Cowley.

My Lord,

Foreign Office, January 10, 1866.

I RECEIVED a short time ago from the French Ambassador a letter, of which I inclose a copy, denouncing the Extradition Treaty between the two countries of the 13th February, 1843, which Treaty will consequently cease to have effect from and after the 4th June next.

The French Ambassador, as you will see, alludes to the refusal of Her Majesty's Government to extend the provisions of the Treaty of 1843, so as to include persons convicted, as well as persons accused; but the grounds on which the determination to denounce the Treaty has been taken are stated to be the impossibility of obtaining the extradition of French criminals, in consequence of the nature of the requirements in this country for that purpose, whereby the Treaty fails to secure to France the benefits which it was anticipated would result from it.

Her Majesty's Government have received this communication with much regret, and I informed the French Ambassador that I had delayed making any reply to it in writing in the hope that some means might be devised for meeting the wishes of the French Government without setting aside the principles of British law.

Her Majesty's Government readily admit that, as far as the extradition of French criminals—and I may add English criminals also—is concerned, the Treaty has fallen short of what might have been anticipated would have been the case. Still it has, perhaps, in another way, not been unattended with considerable benefit to France, as well as to England, for it cannot be doubted that English and French criminals have been greatly deterred from seeking refuge in the respective countries by the conviction that under the Extradition Treaty there was no sure asylum for them in either.

Her Majesty's Government cannot but think that England and France derive a real and substantial advantage from a state of things which discourages the resort of foreign malefactors to their territories, and drives them to seek shelter in other countries in Europe; and that such is the effect of the Treaty may be inferred from inquiries sometimes made at the Foreign Office with the view of ascertaining with what countries England has Treaties of Extradition. Such an inquiry was made only a few days ago, and not improbably, from the place from which it emanated, on behalf of a fugitive from justice.

The probable and immediate consequence of the cessation of the Extradition Treaty between England and France will be to inundate the two countries with criminals, fugitives from justice, who will find it much easier to cross the Straits of Dover than to repair, in the case of English criminals, to the United States, where, though it is difficult to trace a fugitive, there is an Extradition Treaty still in force, or to Belgium, Holland, or Germany, to which English criminals constantly resort, as affording them shelter from pursuit, which they cannot rely upon finding in France.

It cannot be questioned that the facility of escaping from justice, which the abrogation of the Extradition Treaty with France will afford, is calculated to encourage crime in France as well as in England, and therefore likely to be attended with very mischievous consequences as regards both countries.

Under these circumstances it would seem to be for the interest of both countries to consider whether some means could not be devised for removing the difficulty which has led to this measure on the part of the French Government, and the existence of which Her Majesty's Government fully admit.

The difficulty as regards France, originates, it is believed, either in the law or practice of that country, which precludes the production of such evidence in support of a warrant for arrest as is required by the British law.

According to the practice of this country it is sufficient that the accuser should make oath before a magistrate that such a person has committed a crime, to enable the magistrate to issue a warrant for the apprehension of the accused.

But the next step is more conclusive. The accused, in virtue of the warrant, is brought before the magistrate, and his accuser must appear with his witnesses in open Court, and there on oath, and in the hearing of the prisoner, establish to the satisfaction of the magistrate that there is sufficient ground for assuming, first, that a crime has been committed, and secondly, that the prisoner is the person who has committed it. This being done, the prisoner is sent to gaol to await his conviction or deliverance before a superior Court.

But this process, however sacred it is held in this country for the protection of the accused, seemed to require some modification under Treaties of Extradition. If the presence before a magistrate of the accuser and his witnesses, and the delivery of their evidence orally in the presence of the prisoner had been insisted upon as indispensable, it might have been found impossible to give effect to such Treaties; for foreign accusers and foreign witnesses could not always be expected or required to repair to this country and to make good their charges in the ordinary way prescribed by the law of the land.

Parliament therefore consented in this particular to depart from the long cherished usages of this country, and sanctioned, by an Act passed on the 22nd of August, 1843, "for giving effect to a Convention between Her Majesty and the King of the French for the apprehension of certain offenders," a provision in the following terms, viz.: "That in every such case copies of depositions upon which the original warrant was granted, certified under the hand of the person or persons issuing such warrant, and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person apprehended."

The effect of this enactment was to admit of depositions, if ample and conclusive, as a substitute for parole evidence, or at all events to admit of depositions being produced in support or corroboration of parole evidence.

This, looking to the feelings of the British Parliament and public in regard to matters affecting the liberty of all classes of the community, not excepting even persons suspected of crimes, was a concession of no small importance, and could only have been made from a sense of imperious necessity.

In the case of the French Extradition Treaty, however, a difficulty has arisen, whether founded on French law or merely on French practice I am unable to say, which entirely precludes the production of depositions, whether alone or coupled with parole evidence, in the case of French criminals fugitives from justice, whose extradition may have been demanded under the Treaty of February 13, 1843.

The French Government are understood to consider that the production of a *mandat d'arrêt* should be sufficient, without any further evidence of criminality to secure the extradition of a criminal; and they contend, moreover, that it would not be practicable to exhibit to an English magistrate such *prima facie* evidence in support of the charge on which the *mandat d'arrêt* is issued as the English law requires in order to admit of extradition.

Her Majesty's Government are not exactly aware of the circumstances under which a *mandat d'arrêt* is issued, or, indeed, what the term itself imports. Is it a mere warrant in the first instance, such as I have described to be issued by an English magistrate, on a simple deposition that a given person has committed a crime, and the effect of which is merely to authorize the apprehension of an accused person with a view to ascertaining, by a formal, though still a preliminary, investigation by a magistrate, the truth or falsehood of the accusation, and which terminates either in the committal of the accused for trial or his discharge, but which does not involve the punishment of the accused, or his absolution from further proceeding, should additional evidence at any future time be forthcoming? Or is it issued only after a formal hearing of witnesses, whose evidence is taken down in writing, and furnishes the materials for what, in England, would be called the Bill of Indictment (with which it is believed the French "*Acte d'Accusation*" corresponds), on which the prisoner would ultimately be tried?

In the former case it would surely seem to afford a very insufficient security that the charge is really well founded, and does not rest on mere suspicion, or on private animosity or pique. In the latter case, as the evidence would have already been reduced to writing, it is not easy to understand what insuperable difficulty exists which should prevent the documents being exhibited to an English Police Magistrate. The very terms of the 1st Article of the Treaty of 1843 would seem to provide for such a course. The Article says that "this," namely, the delivery up to justice of persons accused of certain crimes, "shall be done only when the commission of the crime shall be so established, as that the laws of the country where the fugitive or person so accused shall be found, would justify his apprehension and commitment for trial, if the crime had been there committed;" and, further on, the Article says, that "on the part of the British Government the surrender shall be made only on the report of a Judge or Magistrate duly authorized to take cognizance of the acts charged against the fugitive in the warrant of arrest, or other equivalent judicial document issued by a Judge or competent Magistrate in France, and likewise clearly setting forth the said acts." The words of the French version of the Treaty are even stronger in this respect than those of the English version:—

"Pourvu que cela n'ait lieu que dans le cas où l'existence du crime sera constatée de telle manière que les lois du pays où le fugitif ou individu ainsi accusé sera rencontré justifieraient sa détention et sa mise en jugement si le crime y avait été commis;" and then, further on, "elle" (meaning the extradition) "ne sera effectuée de la part du Gouvernement Britannique que sur le rapport d'un Juge ou Magistrat commis à l'effet d'entendre le fugitif sur les faits mis à sa charge par le mandat d'arrêt ou autre acte judiciaire équivalent, émané d'un Juge ou Magistrat compétent en France, et énonçant également d'une manière précise les dits faits."

It is clear from the whole tenour of these clauses that in order to the extradition of a French criminal under the Treaty, there must be first a warrant, setting forth on the face of it the acts of which the party is accused, and, next, sufficient evidence not only to establish the commission of the crime, but also to prove that the criminal act charged is a crime according to the law of England, and is specified in the Treaty.

Now evidence can only be parole or documentary. The British Legislature, as I have said, consented to waive the former in the case of the French Treaty, though in doing so it admitted a practice at variance with the principles of British law and usage, and agreed in lieu of it to accept the latter, either if complete and conclusive, or in support of parole evidence.

And here I may remark that, considering the contiguity between France and England, there would seem to be no very insurmountable difficulty in providing for the attendance in either country of witnesses to support a charge against a prisoner, whose evidence, either alone or supplemented by depositions, might satisfy the requirements of the Treaty, which are as regards both countries identical, however different the practice of either in regard to them.

But the French Government demur to comply with the requirements of the Treaty in either respect, and thus it fails to obtain its fugitive criminals.

If the present state of the French law precludes the French Government from complying with the terms of the Treaty, is it too much to suggest that as the British Legislature in order to carry into effect the provisions of the Treaty, consented to modify the British law, the French Government should adopt the same course, and by doing so contribute, as the British Legislature has long since done, to render the Treaty operative?

Your Excellency will press this point strongly on the French Government; but if, for some reason or other, that Government should consider it impossible to adopt this course, your Excellency will then request the French Government clearly to point out what they understand by the terms of the Treaty; what they consider is required of them under those terms in support of their demands for the surrender of French criminals; and whether they are prepared to adopt any course whereby the difficulties of the present state of things obviated.

Her Majesty's Government, your Excellency will assure M. Drouyn de Lhuys, will be prepared to give their best consideration to any proposal which that of France may make on the subject. But the French Government need not be reminded that the British Government can make no alterations in the system now sanctioned by the Legislature without having recourse to Parliament for its sanction, and recent experience has shown that there would be great difficulty in obtaining from Parliament any further modifications in regard to the requirements of the law and usage of this country in dealing with persons accused of crime.

The evil, however, to both countries of the abrogation of the safeguards, now afforded

by the Extradition Treaty, is too evident not to make it incumbent on both to give their best attention to the possibility of maintaining it for their mutual advantage, and it is under this conviction that Her Majesty's Government are prepared to deal with the communication made to them by the French Ambassador in his note of the 4th instant, by which, if no expedient can be devised for maintaining the Treaty, a sure asylum for criminals fugitive from justice will henceforth be secured to such criminals in the respective countries.

It may not be irrelevant to the question between England and France to observe that the Extradition Treaty between France and the United States, as well as the law of the United States for giving effect to it, is in its most essential clauses identical with those of the English and French Treaty, and English Act of Parliament for giving effect to it. I allude specifically to the proviso in Article I of both Treaties, which is couched in the French version in the following terms already quoted, viz.:—"Pourvu que cela n'ait lieu que dans le cas où l'existence du crime sera constatée de telle manière que les lois du pays où le fugitif ou individu ainsi accusé sera rencontré, justifieraient sa détention et sa mise en jugement si le crime y avait été commis."

There is no allusion here to convicts as coming within the scope of the Article, the persons so coming being previously stated to be those "accusés des crimes," but in both Treaties it is stated that "l'existence du crime sera constatée," &c.; and to show what construction was put on this provision by the Legislature of the United States, the Act of Congress providing for the apprehension of a fugitive criminal under the Treaty, and for his being brought before the proper magistrate, says that the object of his being so brought is "to the end that the evidence of criminality may be heard and considered, and if on such hearing the evidence be deemed sufficient," &c.

The same Act of Congress contains a further provision for the admission of depositions in precisely the same terms as those used in the British Act giving effect to the Treaty between Great Britain and France.

Your Excellency will not fail to call M. Drouyn de Lhuys' attention to this identity of construction placed by Great Britain and the United States on their respective Extradition Treaties with France, while you place in his Excellency's hands a copy of this despatch, and invite the early attention of the French Government to the subject.

I am, &c.

(Signed) CLARENDON.

No. 3.

The Earl of Clarendon to Earl Cowley.

My Lord,

Foreign Office, January 10, 1866.

I HAVE thought it most convenient to confine the remarks in my other despatch of this day on the subject of the Extradition Treaty, which has been denounced by the French Government, strictly to the questions arising out of its anticipated abolition.

It is desirable, however, that I should inform your Excellency in a separate despatch as to the view taken by Her Majesty's Government of the desire of the French Government that the case of convicts, as well as of persons only accused of crime, should be brought within the provisions of an Extradition Treaty.

The cases of the two classes are essentially different, and the principle applicable to them cannot therefore be the same.

The principle on which an Extradition Treaty is provided is the importance to society of persons charged with committing crimes being brought to answer the charge before a proper tribunal, so that no encouragement may be afforded to crime by a prospect of impunity.

Such a prospect would, however, exist in the case of a person who had committed a crime in one country, and continuing to evade the pursuit of justice in that country, had made his escape into another, unless the existence of an Extradition Treaty between the two countries admitted of his being apprehended in the country to which he had fled, and delivered over to be tried in the country in which he had committed the crime.

The object of such Treaty is to secure that a criminal shall be brought to the bar of justice, and, if found guilty, punished. This could not be done in the country to which a criminal might have fled, but could only be done in the country from which he had fled, but in which the means of doing so must depend on the existence of an Extradition Treaty.

The case, however, of convicts is different; they have been apprehended, tried,

convicted, and condemned in the country where they have committed crime; and it is for that country having once got the convict within its jurisdiction and having possession of his person, to take care that he does not escape. But whether he escapes or not, the ends of justice have so far been secured, that the criminal has been apprehended and made to answer for his crime, and has not been able to avert such consequences by seeking refuge in another country.

But if it is meant that persons condemned in their absence, and as it is termed *par contumace*, should be claimable under an Extradition Treaty, a very serious question must necessarily arise as to the real import of such a condemnation. To place these persons in the same category with other persons tried and convicted would be to assume that the very fact alone of a person charged with the commission of a crime not appearing to take his trial, must be accepted as an acknowledgment of guilt, and as a warrant for sentence. But it is obvious that many reasons may exist short of an actual admission of guilt to deter a person from appearing to take his trial; and it seems to be a great stretch of judicial power to condemn a person unheard, in necessary ignorance whether the charge against him cannot be rebutted by evidence which might be adduced by him or explained away.

I need scarcely tell your Excellency that such a practice is not consistent with the laws, usage, or public feeling of this country in regard to British subjects; and it would be impossible for the British Government to deliver up, under an Extradition Treaty, persons so condemned.

Your Excellency will therefore be very careful not to allow the French Government to suppose that Her Majesty's Government would be disposed to enter into an engagement to give up to a foreign Power persons convicted in the Courts of that Power, whether the conviction ensued after trial, or in the absence of the accused party.

I am, &c.

(Signed) CLARENDON.

No. 4.

The Earl of Clarendon to Earl Cowley.

My Lord,

Foreign Office, January 20, 1866.

SINCE the date of my despatch of the 10th instant, I have received from the Home Office the result of an inquiry which, at my request, was made by Secretary Sir George Grey of the chief magistrate at Bow Street, with the view of ascertaining by what course of procedure effect could be given in this country to the provisions of the Extradition Treaty with France.

It appears that at Bow Street, in support of a demand for extradition, there are required:—

1. The production of a warrant of arrest issued by a competent magistrate in France, setting forth the crime charged.
2. A certified copy of the depositions taken before the said magistrate, and which must contain proof of the criminality of the accused.
3. A witness who can identify the accused.

These requirements, it appears, were explained in July last by the chief magistrate of Bow Street to M. Bonard, the Counsel to the French Embassy, accompanied by the expression of the desire of the chief magistrate to facilitate the execution of the Treaty as much as possible, and to afford M. Bonard any assistance in his power.

In the case which led to the conversation to which I have thus alluded, M. Bonard subsequently informed the chief magistrate that the prosecutor declined to send over a witness to identify the person accused, and the matter therefore dropped, for it is obvious that a constable could not make an arrest unless there was some one to identify and point out the person to be arrested.

There is reason to suppose that the chief cause of the difficulties which have prevented the extradition of French criminals, consists in the imperfect acquaintance which the French magistrates have with the provisions of the English Acts of Parliament for giving effect to the Extradition Treaty with France, and in their consequent ignorance of the proofs which English magistrates are bound to require before they can sign the warrant of surrender, the form of which is given in the Schedule of the Act of the 8th and 9th Victoria, cap. 120.

To obviate difficulties of this nature, it would probably be sufficient if French magis-

trates were apprized by authority that in issuing warrants of arrest for purposes of extradition, they should take care :—

1st. That the warrant of arrest shall clearly and fully set forth the crime charged, and that such warrant shall be signed by the magistrate issuing it, in the presence of the person who will be the bearer of it to England, so that such person may be able to prove that it was issued by a French magistrate.

2ndly. That the depositions shall contain sufficient proof of the criminality of the accused, so as to dispense with the necessity of producing any oral evidence, and shall as far as possible not refer to hearsay evidence, which is inadmissible in England. The magistrate should certify in writing that the copy of the depositions sent to this country is a correct copy of the original depositions; and the person who brings the copy to England should be required to compare the copy with the original, so that he may be able to prove that it is an examined copy.

3rdly. That some person shall be sent to England by the prosecutor who can identify the accused.

I am informed that the course which I have thus suggested for adoption by French magistrates is in accordance with that pursued in this country in issuing warrants which are to be used in France for extradition purposes.

It is probable that in almost every case, one person if properly instructed might be able to prove the three things required to be proved, namely, the due execution of the warrant of arrest, the correctness of the depositions, and the identity of the accused person; and it would then only remain for the English magistrate to see that the depositions contained sufficient proof of the criminality of the accused, in which case the matter would be complete, and the party would be surrendered.

Her Majesty's Government believe that the difficulties which have hitherto been experienced in carrying into effect the provisions of the Extradition Treaty may easily be removed, but it probably would very much facilitate any proceedings if the conduct of them in this country, on behalf of the French Government, were entrusted to M. Bonard, who is understood to be very well versed in English as well as French procedure.

Your Excellency will communicate with M. Drouyn de Lhuys to the effect of this despatch, of which indeed you may furnish him with a copy if you should think it desirable to do so.

I am, &c.
(Signed) CLARENDON.

No. 5.

Earl Cowley to the Earl of Clarendon.—(Received January 23.)

My Lord,

Paris, January 22, 1866.

DURING a conversation which I had some days ago with M. Drouyn de Lhuys, I remarked to his Excellency that the Extradition Treaty signed in 1843 between France and the United States was similar in spirit, and identical in many of its clauses, to that concluded between Great Britain and France in the same year, which the Imperial Government had just denounced, and I asked his Excellency whether he could give me any information respecting the manner in which the former had worked, and whether it had produced more favourable results.

M. Drouyn de Lhuys could not reply to my inquiries at once, but he has since furnished me with a Memorandum upon the subject, of which your Lordship will find a copy inclosed.

M. Drouyn de Lhuys asserts in the Memorandum that a British subject, accused of any crime mentioned in the Treaty, is given up on the exhibition to the French authorities of a simple warrant of arrest. But if this is so, it must be because the French authorities do not examine the documentary evidence which invariably accompanies the warrant. On the other hand, one cannot help asking oneself how it happens that if a simple warrant is sufficient for the delivery of the accused, three weeks or a month should elapse after the warrant is in the hands of the French authorities, before a reply to the application for extradition is given.

I purpose on the first opportunity to call M. Drouyn de Lhuys' attention to this point.

I have, &c.
(Signed) COWLEY.

Inclosure in No. 5.

Memorandum.

LES relations de la France et des Etats Unis en matière d'extradition quand on les compare à celles qui existent entre la France et la Grande Bretagne, suggèrent d'abord au point de vue le plus général, cette observation toute naturelle que les inconvénients résultant de l'inexécution du Traité sont infiniment plus graves à raison des distances en ce que regarde l'Angleterre qu'en ce qui touche les Etats Unis.

D'autre part, les Etats Unis n'étant pas une Puissance Européenne, il suit de là qu'on est moins fondé à leur demander de mettre leur législation et leur pratique, en matière d'extradition, en harmonie avec celles des peuples Européens.

Quant au Traité lui-même, s'il est vrai que ses stipulations reposent sur le même principe que le Traité Anglo-Français, le texte n'est cependant point identique et l'on peut dire que, dans la forme au moins, la réciprocité y est mieux observée.

Ainsi le Traité Franco-Américain et le Traité Anglo-Français ont cela de commun qu'il est également dit dans les deux textes que les criminels ne seront livrés que dans le cas où l'existence du crime sera constatée de telle manière que les lois du pays, où le fugitif sera rencontré, justifieraient sa détention et sa mise en jugement, si le crime y avait été commis. Mais le Traité Franco-Américain se borne à poser le principe. Le Traité Anglo-Français va plus loin : il organise la procédure d'extradition, et il résulte de cette organisation que l'accusé Anglais est remis par la France à la Grande Bretagne sur la production d'un simple mandat d'arrêt, tandis que de la part de l'Angleterre l'extradition est subordonnée au rapport d'un Juge commis à l'effet d'entendre le fugitif sur les faits mis à sa charge.

Sous le rapport des faits susceptibles de motiver l'extradition le Traité Franco-Américain est aussi plus complet que la Convention Anglo-Française ; le second ne comprend que le meurtre, le faux et la banqueroute frauduleuse ; le premier s'applique en outre au viol, à l'incendie, aux soustractions commises par les dépositaires publics.

De plus, la France a obtenu à diverses époques des extensions au Traité primitif. Ainsi une Convention Additionnelle de 1845 a ajouté aux cas d'extradition la plupart des vols qualifiés, et une autre de 1858 a chargé encore la catégorie des faits susceptibles d'extradition, en même temps qu'elle a étendu la mesure aux complices comme aux auteurs principaux.

On peut donc dire que, si l'extradition avec les Etats Unis n'a pas amené tous les résultats qu'on pouvait désirer, cependant la question a marché, et la France n'a pas été sans obtenir des améliorations qui en font espérer d'autres : avec la Grande Bretagne, au contraire, le Traité de 1843 est aujourd'hui ce qu'il était à son début.

En fait d'ailleurs le Traité Franco-Américain a trouvé aux Etats Unis des facilités d'exécution plus grandes que le Traité Franco-Anglais n'en a rencontrées en Angleterre, où il est resté complètement stérile. Ainsi sur dix demandes d'extradition faites aux Etats Unis cinq ont obtenu un résultat favorable.

Enfin, l'Angleterre a concédé au Danemark ce qu'elle nous refuse,—appliquer l'extradition aux condamnés comme aux accusés. Par un Traité signé à Londres le 15 Avril, 1862, et promulgué à Copenhague le 28 Septembre de la même année, l'Angleterre s'est engagée à livrer au Danemark les condamnés à l'égal des accusés.

(Translation.)

THE relations of France and of the United States in the matter of extradition, when compared with those which exist between France and Great Britain, suggest in the first place, in the most general point of view, this very natural remark, that the inconveniences which arise from the non-execution of the Treaty are infinitely more serious on account of distances as respects England, than as respects the United States.

On the other hand, the United States not being an European Power, it follows that one is less justified in demanding of them to place their legislation and their practice in the matter of extradition in harmony with those of European nations.

As to the Treaty itself, although it is true that its stipulations are based on the same principle as the Anglo-French Treaty, nevertheless the text is not identical, and it may be said that, in form at least, reciprocity is better observed in the former.

Thus the Franco-American Treaty and the Anglo-French Treaty have this in common, that it is equally said in the two texts that criminals shall only be surrendered in the case where the existence of the crime shall have been proved in such manner that the laws of the country where the fugitive is met would justify his detention and his

committal for trial, if the crime had been committed there. But the Franco-American Treaty merely lays down the principle. The Anglo-French Treaty goes further, it regulates the procedure of extradition, and the result of this regulation is, that an accused Englishman is delivered up by France to Great Britain on the production of a simple warrant, while, on the part of England, extradition is dependent on the report of a magistrate commissioned to hear the fugitive on the acts laid to his charge.

Under the head of acts which may give rise to extradition, the Franco-American Treaty is also more complete than the Anglo-French Convention; the latter only includes murder, forgery, and fraudulent bankruptcy; the former applies, in addition, to rape, arson, and embezzlement committed by trustees.

Further, France has obtained at different times extensions of the original Treaty. Thus an Additional Convention of 1845 has added to the cases for extradition the greater number of flagrant robberies, and another of 1858 has again changed the category of acts justifying extradition, and at the same time, has extended the measure to the accomplices as well as to the principals.

One may, therefore, say, that if extradition with the United States has not produced all the results that may have been desired, nevertheless the question has progressed, and France has been able to obtain improvements, which lead one to hope for others: with Great Britain, on the contrary, the Treaty of 1843 is at this moment what it was at its commencement.

Moreover, the Anglo-American Treaty, has found greater facilities of execution in the United States than the Anglo-French Treaty has met with in England, where it has remained completely barren of results. Thus, out of ten demands for extradition made to the United States, five have been attended with a favourable issue.

Finally, England has conceded to Denmark what she denies us, namely, the application of extradition to the convicted as well as to the accused. By a Treaty signed at London on the 15th April, 1862, and published at Copenhagen on the 28th September in the same year, England undertook to surrender to Denmark convicted prisoners in the like manner as accused persons.

No. 6.

Earl Cowley to the Earl of Clarendon.—(Received January 24.)

My Lord,

Paris, January 23, 1866.

ON the 20th instant I addressed to M. Drouyn de Lhuys a note embodying the substance of your Lordship's despatch of the 10th instant on the subject of the denunciation by the French Government of the Extradition Treaty of 1843. A copy is herewith inclosed.

Further, I have thought it advisable to communicate to M. Drouyn de Lhuys a copy of a Memorandum showing how the demands of extradition made by Her Majesty's Government since 1852 had been met by the Government of the Emperor. A copy of my note to M. Drouyn de Lhuys on this subject is likewise inclosed.

Lastly, having deemed it expedient to make some observations on the Memorandum furnished me by M. Drouyn de Lhuys, and inclosed in copy in my despatch of yesterday's date, on the operation of the Extradition Treaty between France and the United States, I have likewise consigned them to a Memorandum which I have sent to the French Minister. Your Lordship will find a copy of this Memorandum annexed.

M. Drouyn de Lhuys has promised me an early examination of all these papers, with a view of conferring with me as soon as possible upon the whole question.

I have, &c.

(Signed) COWLEY.

Inclosure 1 in No. 6.

Earl Cowley to M. Drouyn de Lhuys.

M. le Ministre,

Paris, June 20, 1866.

HER Majesty's Principal Secretary of State for Foreign Affairs has received from the French Ambassador in London a letter, dated 4th December last, denouncing the Extradition Treaty between the two countries of 13th February, 1843, which Treaty will consequently cease to have effect from and after 4th June next. The Prince de la Tour d'Auvergne alludes in this letter to the refusal of Her Majesty's Government to extend

the provisions of the Treaty of 1842, so as to include persons convicted as well as persons accused; but the grounds on which the determination to denounce the Treaty has been taken, are stated to be the impossibility of obtaining the extradition of French criminals, in consequence of the nature of the requirements in England for that purpose, whereby the Treaty fails to secure to France the benefits which it was anticipated would result from it. I am instructed to state to your Excellency, that Her Majesty's Government have received this communication with much regret, and if the Earl of Clarendon has delayed making any reply to it in writing, it has been in the hope that some means might be devised for meeting the wishes of the French Government without setting aside the principles of British law.

Her Majesty's Government readily admit, that as far as the extradition of French criminals, and it may be added of English criminals also, is concerned, the Treaty has fallen short of what might have been anticipated would have been the case. Still it has, perhaps, in another way not been unattended with considerable benefit to France, as well as to England, for it cannot be doubted that English and French criminals have been greatly deterred from seeking refuge in the respective countries by the conviction that, under the Extradition Treaty, there was no sure asylum for them in either.

Her Majesty's Government cannot but think that England and France derive a real and substantial advantage from a state of things which discourages the resort of foreign malefactors to their territories, and drives them to seek shelter in other countries of Europe; and that such is the effect of the Treaty, may be inferred from inquiries sometimes made at the Foreign Office, with the view of ascertaining with what countries England has Treaties of Extradition; such an inquiry was made only a few days ago, and not improbably, from the place from which it emanated, on behalf of a fugitive from justice.

The probable and immediate consequence of the cessation of the Extradition Treaty between England and France will be to inundate the two countries with criminals, fugitives from justice, who will find it much easier to cross the straits of Dover than to repair, in the case of English criminals, to the United States where, though it is difficult to trace a fugitive, there is an Extradition Treaty still in force, or to Belgium, Holland, or Germany, to which English criminals constantly resort, as affording them shelter from pursuit, which they cannot rely upon finding in France.

It cannot be questioned that the facility of escaping from justice which the abrogation of the Extradition Treaty with France will afford, is calculated to encourage crime in France as well as in England, and therefore likely to be attended with very mischievous consequences as regards both countries. Under these circumstances, it would seem to be for the interest of both countries to consider whether some means cannot be devised for removing the difficulty which has led to this measure on the part of the French Government, and the existence of which Her Majesty's Government fully admit.

The difficulty as regards France originated, it is believed, either in the law or practice of that country which precludes the production of such evidence in support of a warrant for arrest as is required by the British law.

According to the practice of England, it is sufficient that the accuser should make oath before a magistrate that such a person has committed a crime, to enable the magistrate to issue a warrant for the apprehension of the accused.

But the next step is more conclusive. The accused, in virtue of the warrant, is brought before the magistrate, and his accuser must appear with his witnesses in open Court, and there on oath, and in the hearing of the prisoner, establish to the satisfaction of the magistrate that there is sufficient grounds for assuming, first, that a crime has been committed; and, secondly, that the prisoner is the person who has committed it. This being done, the prisoner is sent to gaol to await his conviction or deliverance before a superior Court.

But this process, however sacred it is held in England for the protection of the accused, seemed to require some modification under Treaties of Extradition. If the presence before a magistrate of the accuser and his witnesses, and the delivery of their evidence orally in the presence of the prisoner had been insisted upon as indispensable, it might have been found impossible to give effect to such Treaties; for foreign accusers and foreign witnesses could not always be expected or required to repair to England and to make good their charges in the ordinary way prescribed by the law of the land.

Parliament, therefore, consented in this particular to depart from the long cherished usages of England, and sanctioned, by an Act passed on 22nd August, 1843, "for giving effect to a Convention between Her Majesty and the King of the French for the apprehension of certain offenders," a provision in the following terms, viz.: "that in every such case copies of depositions upon which the original warrant was granted, certified under the hand of the person or persons issuing such warrant, and attested upon the oath

of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person apprehended."

The effect of this enactment was to admit of depositions, if ample and conclusive, as a substitute for parole evidence, or, at all events, to admit of depositions being produced in support or corroboration of parole evidence.

This, looking to the feelings of the British Parliament and public in regard to matters affecting the liberty of all classes of the community, not excepting even persons suspected of crimes, was a concession of no small importance, and could only have been made from a sense of imperious necessity.

In the case of the French Extradition Treaty, however, a difficulty has arisen, whether founded on French law or merely on French practice Her Majesty's Government are unable to say, which entirely precludes the production of depositions, whether alone or coupled with parole evidence, in the case of French criminals, fugitives from justice, whose extradition may have been demanded under the Treaty of the 13th February, 1843.

The French Government are understood to consider that the production of a *mandat d'arrêt* should be sufficient without any further evidence of criminality, to secure the extradition of a criminal; and they contend, moreover, that it would not be practicable to exhibit to an English magistrate such *prima facie* evidence in support of the charge on which the *mandat d'arrêt* is issued, as the English law requires, in order to admit of extradition.

Her Majesty's Government are not exactly aware of the circumstances under which a *mandat d'arrêt* is issued, or indeed what the term itself imports. Is it a mere warrant in the first instance, such as has been described above, to be issued by an English magistrate on a simple deposition that a given person has committed a crime, and the effect of which is merely to authorize the apprehension of an accused person with a view of ascertaining by a formal, though still a preliminary, investigation, by a magistrate the truth or falsehood of the accusation, and which terminates either in the committal of the accused for trial, or his discharge, but which does not involve the punishment of the accused, or his absolution from further proceedings, should additional evidence at any future time be forthcoming? Or is it issued only after a formal hearing of witnesses, whose evidence is taken down in writing, and furnishes the materials for what in England would be called the bill of indictment (with which it is believed the French *acte d'accusation* corresponds) on which the prisoner would ultimately be tried?

In the former case it would merely seem to afford a very insufficient security that the charge is really well founded, and does not rest on mere suspicion, or on private animosity or pique. In the latter case, as the evidence would have already been reduced to writing, it is not easy to understand what insuperable difficulty exists which should prevent the documents being exhibited to an English police magistrate. The very terms of Article I of the Treaty of 1843 would seem to provide for such a course. The Article says that "this" viz., the delivery up to justice of persons accused of certain crimes, "shall be done only when the commission of the crime shall be so established, as that the laws of the country where the fugitive or person so accused shall be found would justify his apprehension and commitment for trial, if the crime had been there committed."

And further on the Article says that "on the part of the British Government the surrender shall be made only on the report of a judge or magistrate duly authorized to take cognizance of the acts charged against the fugitive in the warrant of arrest, or other equivalent judicial document issued by a judge or competent magistrate in France, and likewise clearly setting forth the said Acts."

The words of the French version of the Treaty are even stronger in this respect than those of the English version:—

"Pourvu que cela n'ait lieu que dans le cas où l'existence du crime sera constatée de telle manière que les lois du pays où le fugitif ou individu ainsi accusé sera rencontré justifieraient sa détention et sa mise en jugement si le crime y avait été commis." And then, further on, "elle" (meaning the extradition) "ne sera effectuée de la part du Gouvernement Britannique que sur le rapport d'un Juge ou Magistrat commis à l'effet d'entendre le fugitif sur les faits mis à sa charge par le mandat d'arrêt, ou autre acte judiciaire équivalent, émané d'un Juge ou Magistrat compétent en France, et énonçant également d'une manière précise les dits faits."

It is clear from the whole tenour of these clauses that, in order to the extradition of a French criminal under the Treaty, there must be first a warrant setting forth on the face of it the acts of which the party is accused, and next sufficient evidence not only to establish the commission of the crime, but also to prove that the criminal act charged is a crime according to the laws of England, and is specified in the Treaty.

Now evidence can only be parole or documentary. The British Legislature, as has been seen, consented to waive the former in the case of the French Treaty, though in doing so it admitted a practice at variance with the principles of British law and usage, and agreed, in lieu of it, to accept the latter, either if complete and conclusive or in support of parole evidence. And here it may be remarked that, considering the contiguity between France and England, there would seem to be no very insurmountable difficulty in providing for the attendance, in either country, of witnesses to support a charge against a prisoner whose evidence, either alone or supplemented by depositions, might satisfy the requirements of the Treaty, which are, as regards both countries, identical, however different the practice of either in regard to them.

But the French Government demur to comply with the requirements of the Treaty in either respect, and thus it fails to obtain its fugitive criminals.

If the present state of the French law precludes the French Government from complying with the terms of the Treaty, is it too much to suggest that, as the British Legislature, in order to carry into effect the provisions of the Treaty, consented to modify the British law, the French Government should adopt the same course, and by doing so contribute, as the British Legislature has long since done, to render the Treaty operative.

Under any circumstances Her Majesty's Government would request the Government of the Emperor clearly to point out what they understand by the terms of the Treaty; what they consider is required under those terms in support of their demands for the surrender of French criminals; and whether they are prepared to adopt any course whereby the difficulties of the present state of things may be obviated.

Her Majesty's Government will be prepared to give their best consideration to any proposal which that of France may make on the subject. But I need hardly remind your Excellency that the British Government can make no alterations in the system now sanctioned by the Legislature without having recourse to Parliament for its sanction; and recent experience has shown that there would be great difficulty in obtaining from Parliament any further modification in regard to the requirements of law and usage of Great Britain in dealing with persons accused of crime.

The evil, however, to both countries of the abrogation of the safeguards now afforded by the Extradition Treaty is too evident not to make it incumbent on both to give their best attention to the possibility of maintaining it for their mutual advantage; and it is under this conviction that Her Majesty's Government are prepared to deal with the communication made to them by the French Ambassador in his note of the 4th ultimo, by which, if no expedient can be devised for maintaining the Treaty, a sure asylum for criminals fugitive from justice will henceforth be secured to such criminals in the respective countries.

It may not be irrelevant to the question between England and France to observe that the Extradition Treaty between France and the United States, as well as the law of the United States for giving effect to it, is in its most essential clauses identical with those of the English and French Treaty and English Act of Parliament for giving effect to it; I allude specifically to the proviso in the 1st Article of both Treaties, which is couched in the French version in the following terms already quoted, viz. :—

“Pourtant que cela n'ait lieu que dans le cas où l'existence du crime sera constatée de telle manière que les lois du pays ou le fugitif ou individu ainsi accusé sera reconstruit justifieraient sa détention et sa mise en jugement si le crime y avait été commis.”

There is no allusion here to convicts coming within the scope of the Articles, the persons so coming being previously stated to be those “accusés des crimes,” but in both Treaties it is stated that “l'existence du crime sera constatée,” &c., and to show what construction was put on this provision by the Legislature of the United States, the Act of Congress providing for this apprehension of a fugitive criminal under the Treaty, and for his being brought before the proper magistrate, says that the object of his being so brought, is, “to the end that the evidence of criminality may be heard and considered, and if, on such hearing, the evidence be deemed sufficient,” &c.

The same Act of Congress contains a further provision for the admission of depositions in precisely the same terms as those used in the British Act giving effect to the Treaty between Great Britain and France.

This identity of construction placed by Great Britain and the United States on their respective Extradition Treaties with France is worthy the attention of the Imperial Government, which Her Majesty's Government does not doubt will be equally given to the observations which I have thus had the honour to submit to your consideration.

I avail, &c.

(Signed) COWLEY.

Inclosure 2 in No. 6.

Earl Cowley to M. Drouyn de Lhuys.

M. le Ministre,

Paris January 23, 1866.

IN the note which I had the honour to address to your Excellency on the 20th instant, I stated that "Her Majesty's Government readily admitted that as far as the extradition of French criminals, and it might be added of English criminals also, is concerned, the Treaty of 1843 has fallen short of what might have been anticipated would have been the case." In proof of the correctness of the statement thus made with regard to English criminals, it may be as well that I should furnish your Excellency with a report of the result of the demands for extradition which, in pursuance of instructions from home, it has been my duty to make to the Imperial Government since I have had the honour to direct the business of this Embassy.

Your Excellency will find in the accompanying Memorandum a detailed account of these cases. They are but nine in number, and for the purposes of this note may be reduced to five, as three of those enumerated in the inclosed paper were set aside upon technical grounds, and in one case the prosecutors desisted from their pursuit.

In the remaining five cases Her Majesty's Government succeeded but once in obtaining the extradition demanded. On one occasion the Imperial Government does not appear to have replied to the demand made, while in those remaining, although the extradition was finally granted, yet three or four weeks had elapsed before the decision of the Imperial Government was taken, and the consequence was that the accused individuals were no more to be found.

It is not with the intention of making them the subject of complaint, that I trouble your Excellency by bringing these facts to your notice; I merely cite them as a proof that the Treaty of 1843 was not more efficacious in its results to the one Government than to the other, and that if Her Majesty's Government regret its abrogation, it is on principles of mutual interest, and not because it has been of more service to Great Britain than to France.

I have, &c.
(Signed) COWLEY.

Inclosure 3 in No. 6.

Memorandum respecting Cases of Extradition of British Subjects from France between the years 1852 and 1865.

1. Case of James Howie, fraudulent bankrupt, whose extradition is applied for, October 8, 1852, but the French Government, though consenting to the extradition, does not succeed in finding him, as recorded in a despatch dated October 29, 1852.

2. Case of Alexander Heilbroun, accused of forgery, September 12, 1853. The French Government consents to the same, October 1, 1853.

3. Case of Harry Arthur Allen, accused of forgery, whose extradition was requested December 3, 1853. To this request no reply from the French Government is to be found.

4. Case of David Landrigan, an English deserter, June 15, 1854, whose extradition the French Government refuse on the ground of desertion not being one of the crimes mentioned in the Treaty, June 30, 1854.

5. Case of Charles Healy, whose extradition is requested March 8, 1857, he being accused of fraudulent bankruptcy. The French Government consent to give him up, March 24, 1857, but the original request is withdrawn, owing to the fact of Healy's compounding with his creditors, April 24, 1857.

6. Case of Thomas Glass, whose extradition is requested, February 28, 1857, and granted March 30, 1857.

7. Case of Michael Clarke, whose extradition is asked for, June 22, 1859. The French Government reply that search will be made for him with a view to the above result, but a final despatch, dated August 22, 1859, states that no trace of him can be found.

8. Case of Baron de Vidil, whose extradition is requested, July 10, 1861, and refused, July 11, 1861, because he is a French subject.

9. Case of Francis James Leah, whose extradition is requested, September 12, 1865, but refused, September 14, 1865, because theft, the crime of which the above was accused, does not come within the scope of the Treaty.

Inclosure 4 in No. 6.

Memorandum.

IN the note with which his Excellency M. Drouyn de Lhuys furnished Lord Cowley respecting the operation of the Extradition Treaty concluded in 1843 between France and the United States, it is stated "that an accused British subject is surrendered upon the production of a simple warrant of arrest." This is an error. The warrant of arrest is invariably accompanied by certified copies of the depositions upon which the warrant has been granted, and the warrant is brought to France by a police officer able to speak to the identity of the individual whose extradition is demanded. It may be remarked that this very simple proceeding is all that is wanted to ensure the extradition from British territory of a French subject accused of crimes within the meaning of the Treaty of Extradition of 1843 between Great Britain and France.

In order to institute a just comparison between the operation of the Treaty between France and the United States, and of the Treaty between Great Britain and France, some statistical information respecting the latter should be given. It is stated in M. Drouyn de Lhuys' note that out of ten demands made on the United States five have been successful, but no similar report is made of the results of the Anglo-French Treaty.

Finally, it is stated in M. Drouyn de Lhuys' note that while Great Britain has included in the Treaty of 1862 with Denmark the extradition of condemned as well as of accused persons, the same has not been conceded to France. This is true. But the concession could not be made to France without a fresh Act of Parliament, and indeed would appear to be of very little use, unless it is intended by the Imperial Government to include among persons condemned those condemned *par contumace*.

Criminals condemned after trial seldom find means of escaping the punishment awarded them, but condemnation *par contumace*, or without trial, in the presence of the accused, is at such variance with the whole legislation of Great Britain, that it would seem hopeless to expect the sanction of Parliament to such a measure. On the other hand, it is to be observed that persons in this position might always be proceeded against in the category of accused persons.

No. 7.

The Earl of Clarendon to Sir F. Bruce.

Sir, *Foreign Office, January 24, 1866.*

YOU may be aware that Her Majesty's Government have lately received from the Government of France notice of their intention to put an end to the Extradition Treaty between the two countries concluded in 1843. You will find this Treaty, and the first Act of Parliament for giving effect to it, in Volume vi of "Hertslet's Treaties," pages 344 and 448, and I inclose a copy of a further Act, that of 8 and 9 Vict., cap. 120.

In the discussions which are now being carried on with the French Government with a view of ascertaining whether it would not be possible to regulate the procedure under these Treaty and Acts of Parliament, so as to admit of the extradition of French criminals from England when demanded by the French Government, which the French Government complain they cannot obtain in consequence of what they consider the unreasonable requirements of the British magistrates, reference has not unnaturally been made to the Treaty engagements between France and the United States; and the French Government contend that they can obtain from the United States the extradition of criminals although they fail to obtain it from the Government of Great Britain.

Now, as the United States' Treaty with France and the Act of Congress, which you will find in the "State Papers," vol. xxxiii, page 1229, and vol. xxxviii, page 1065, are substantially identical as regards proof of crime with those between England and France, it is desirable that Her Majesty's Government should ascertain under what circumstances this alleged difference in the result of their operations has grown up.

The French statement as to the working of their Treaty with the United States is contained in the Memorandum given by M. Drouyn de Lhuys to Lord Cowley, of which I inclose a copy,* together with a copy of Lord Cowley's despatch, merely observing that the two recent Treaties between France and the United States, to which allusion is made, only extend the class of crimes, but do not alter the form of procedure established by the original Treaty between those Powers of the 9th of November, 1843.

* Inclosure in No. 5.

The requirements of the British magistrates are as follows: a warrant by a competent magistrate, depositions setting forth the crime, proof of identity of the accused.

Do the magistrates in the United States require less?

It is not necessary that I should enter into further details. The points that Her Majesty's Government wish you to ascertain without delay from an official source in the United States are what is the construction placed by the Government of the United States on its Treaty engagements with France, and with England also, in regard to extradition, and what are the requirements of the magistrature in the United States a compliance with which is indispensable to the surrender of criminals under Treaties of Extradition.

I have to request that you will obtain this information with the least possible delay.

I am, &c.
(Signed) CLARENDON.

No. 8.

Earl Cowley to the Earl of Clarendon.—(Received January 27.)

My Lord,

Paris, January 26, 1866.

I HAVE the honour to inclose herewith a Memorandum showing the manner of proceeding to obtain a condemnation, *par contumace*, in this country, and the consequences of such condemnation.

I have, &c.
(Signed) COWLEY.

Inclosure in No. 8.

Memorandum respecting Persons condemned in France "par Contumace."

THE preliminary investigations on which the *Acte d'Accusation* is founded, is carried on as if the accused party was present. Eight days before the day fixed for his trial, a placard is affixed at the door of the tribunal before which the case is to be tried, calling upon him to surrender and take his trial. Should he not appear, the Procureur Impérial states the case to the Court, who condemns the accused *par contumace*, without asking the opinion of a jury. The person thus condemned is allowed twenty years to, what is called in French law, "*purger sa contumace*." If within that period he either surrenders himself, or falls into the hands of the authorities, his case is submitted to the consideration of a jury. After twenty years he is considered as absolved from further molestation.

No. 9.

The Earl of Clarendon to Sir F. Bruce.

(Extract.)

Foreign Office, January 27, 1866.

WITH reference to my despatch of the 24th instant, I have to observe to you that it is stated that in the United States the mere production of a *mandat d'arrêt* is sufficient to ensure the extradition under the Treaty between France and the United States of the person named in it.

The American Minister at Paris, however, does not confirm this view of the case, but on the contrary, indicates a practice not differing essentially from the requirements of this country, at all events as regards the production and attestation of copies of the depositions on which the warrant was granted.

I should particularly wish to be informed whether the Government of the United States consider their Extradition Treaty with France as binding them to give up persons convicted in France, either after trial or *par contumace*, and who may have found means to escape from the consequences of their conviction; and, if not, what view would be taken in the United States of a proposal on the part of France to include such persons in a new Extradition Treaty.

The Earl of Clarendon to Earl Cowley.

My Lord,

Foreign Office, February 12, 1866.

I TRANSMIT to your Excellency herewith a Memorandum of what passed at the meeting, at which your Excellency was present, held at the Foreign Office on the 8th instant, respecting the Extradition Treaty with France.

I have, &c.
(Signed) CLARENDON.

Inclosure 1 in No. 10.

Memorandum of Conference held at the Foreign Office, February 8, 1866, to consider the Extradition Question with France.

A MEETING, attended by the Secretaries of State for the Home and Foreign Departments, Her Majesty's Ambassador at Paris, the Chief Magistrate of Bow Street, and the two Under Secretaries of State in the Foreign Department, was held on Thursday the 8th of February, in order to consider the question of the Extradition Treaty with France.

It was agreed that, looking to all the difficulties which must result from that Treaty being allowed to lapse, not the least of which was that the Act of Parliament for giving effect to the Treaty would lapse with it, it was very desirable to ascertain whether some course could not be adopted in England and France for maintaining both, and making them operative for the objects for which they were designed.

The impediments which have hitherto prevented extradition, at all events on the side of England, appear to have been twofold: the first, the insufficiency of the testimony in support of French demands; and the second, the requirements of the British Police Courts, which were supposed to be too stringent.

The French demands have hitherto been supported by a mere warrant or *mandat d'arrêt*, without any evidence of identity and without any proof of crime, the French Government considering that faith should be reposed in a French warrant, that it was the duty of the English Police to search out for themselves and to satisfy themselves that the person apprehended was the person named in the warrant, and that the English Police Courts were not justified in the claim which they were considered to advance, to try the question whether the accused was guilty or not guilty.

On the other hand, the English Police Courts, resting on the Act of Parliament and on the terms of the Treaty, require that proof should be given as to identity, proof also, either oral or documentary, as to the crime having been committed, and thereupon to be satisfied that the crime comes within the definition of the Treaty, both as to its being a crime specified in the Treaty and as to the charge being sufficiently established *prima facie* as to warrant committal for trial if the crime had been committed in England.

It was assumed, however, by the meeting that the French Government would, on reflection, perceive that without identification they must always run the risk of having a wrong man arrested, and of not procuring the extradition of the criminal demanded, and that they would not insist upon a warrant alone and without evidence of any kind as sufficient to support a demand for extradition, and the question then arose what evidence could be accepted in a British Police Court.

It was observed that oral evidence beyond what was required for identification might be dispensed with, that is to say as proof of crime, but that it could not be dispensed with as establishing the fact that the proof adduced before the British magistrate was identical with that which had been produced before the French magistrate; in other words, that if depositions only were presented in support of the charge, such depositions must be certified by oral evidence on oath to be true copies of the originals in the possession of the French magistrate.

A difficulty was then suggested to exist in the French practice as militating against the production of such depositions or copies of them in preliminary proceedings against a prisoner, and the question was then considered whether any substitute for depositions could be obtained. There was an impression that the French Government was not indisposed to supplement the *mandat d'arrêt* by the production of an *acte d'accusation*. This document was represented to contain a summary of the whole case against the prisoner, much more than would be required, or even from the nature of it could be

accepted, as evidence in England, but still embodying in some form or other the actual depositions which constituted the basis of the charge against the prisoner.

It appeared to the meeting that some arrangement consistent with the requirements of the British Act might be made on this basis, if the French Government found it impossible to send over certified copies of the depositions in a simple form, unaccompanied by comment, or by what, for the purposes of extradition, would be superfluous.

For this purpose it was suggested that in the *acte d'accusation* the depositions, so far as the criminal act charged, should be textually set out, and that a witness who might be the bearer of the warrant, should be prepared to depose that the passage in question had been compared by him with the original depositions and was a correct transcript of them. Nothing short of this, unsatisfactory as it would be from indirectness, could be admitted in a police court as satisfying the requirements of the Act. But if the French Government adhered to its objections to produce the depositions themselves, which would be the simpler course and free from objection, and if a Police Magistrate might accept such a substitute, there was always a risk as to the view which, if the case were brought before it on a writ of habeas corpus, the Court of Queen's Bench might take of the case, and that it might not be satisfied with it, and might discharge a prisoner.

The question was then considered, how far the impression apparently entertained in France, that in a case of extradition the English magistrate actually tried the prisoner was well founded; and it appeared that the impression was unfounded. The prisoner brought before a magistrate on an extradition warrant would be entitled, indeed, to deny his identity with the person named in the warrant, and would further be entitled to have read in his presence the depositions on which he was charged; but he would not be permitted to controvert the truth of the depositions, or to produce before the magistrate exculpatory evidence.

The only points which the magistrate has to decide are whether the depositions make out a *prima facie* case against a prisoner on which he could be committed for trial if the crime laid to his charge came with the definition of the Treaty, and had been committed in that part of the British dominions where the prisoner was apprehended, and that the prisoner is the man accused.

The question was then considered whether the wish of the French Government for the surrender of "condemned" persons, whether after trial or *par contumace* could be complied with. As regards the first class it was considered that the crime of an escaped convict—for no person could be tried twice for the same offence—would only amount to prison breach, or escape from lawful imprisonment; but that crime does not come within the terms of the Treaty: and as regards the second class, as in France a condemnation *par contumace* is not final, the subject of it being triable in France, when captured, as if sentence had not been passed upon him in his absence, any difficulty in this respect could be obviated by omitting all allusion to such condemnation in the application for extradition, and only requiring his surrender as an accused person.

The question was then considered as to whether it were possible to extend the class of crimes subject to extradition, one of the grounds on the part of France for denouncing the Treaty being understood to be that the class of crimes was too limited. It was considered, however, that if for this purpose the present Treaty was set aside, in order that a more comprehensive one should be substituted for it, the Act of Parliament applying to the present Treaty would fall to the ground, and that instead of having, as it now has, the power of surrendering offenders within a limited specification, the Government would have to seek from Parliament a new power altogether, and therefore the whole question in regard to extradition, under any shape or under any circumstances, would have to be submitted to Parliament, which would for various reasons be undesirable.

The conclusion, therefore, was, that if any arrangements for extradition between the two countries are to be preserved, it is indispensable to hold, at all events, to those now in existence, and to endeavour to make them operative.

Having this basis as regards the future, and therefore having no occasion to raise a question as to the requirements and forms to be observed in cases of extradition, there might be less difficulty in inducing Parliament to adopt the course which has on two occasions been adopted between France and the United States. The original Treaty of Extradition between these two countries, like the original Treaty between England and France, applied to a limited number of crimes, and that number was by two successive Treaties extended so as to embrace several other crimes. But the requirements of the original Treaty as regards demands for extradition, and the forms to be observed, remained unaltered; and the subsequent Treaties were limited to an extension of the number of crimes.

It was considered that some such course might be adopted to meet the present wishes of the French Government, and that a short Treaty similar in its form, and restricted in its objects, to the latter Treaties between France and the United States, might be concluded between England and France, and submitted to Parliament, with a reasonable expectation of securing its concurrence, if not as regards all the crimes referred to in it, at all events in regard to the greater portion of them.

But no doubt whatever was felt at the meeting that the sole object now to be attended to was to render the Treaty operative as far as it went, and it was finally agreed, first, that the Chief Magistrate of Bow Street should supply forms of deposition, which, if the French magistrates would accept and act upon, would be accepted and acted upon in this country; and secondly, that if the French Government were of opinion, as the meeting was of opinion, that verbal communication and explanation might smooth away existing difficulties and misapprehensions, either a British magistrate or a British lawyer, conversant in the practice of the British Police Courts, should proceed to Paris, and be placed in communication with any French legal authority who might be appointed to confer with him.

The Chief Magistrate of Bow Street, in the course of the discussion, alluded to a French lawyer, now believed to be a Judge in one of the Courts at Paris, whom he had the pleasure of seeing some time ago in this country, who frequently attended the sittings in Bow Street, and to whom he explained the proceedings of the British Police Courts, and who afterwards published in the "Moniteur," under the title of "Mornings at Bow Street," the results of his present observations.

The forms of deposition referred to in this Memorandum are annexed.

The depositions in full are those taken at Bow Street in the case of a prisoner brought before the magistrate, having been apprehended in Spain, with the assent of the Spanish Government, on a charge of forgery. On the facts recorded in these depositions, the prisoner was committed for trial, and the depositions were remitted to the proper officer at the Old Bailey Court-house.

The depositions set forth in order—

1st. The facts of the crime.

2ndly. The proof that the prisoner at the bar of the Police Court committed it; independently of the confession which, as it appeared,

3rdly, the prisoner subsequently made to the officer who apprehended him in Spain, that he had committed it; which concession was not indispensable for sending the prisoner to trial, the other evidence being sufficient without it.

The second paper is the form of deposition used in the Police Court at Bow Street on which an application from England for extradition would be made, and which, if adopted, *mutatis mutandis*, or substantially, would be held to be sufficient in point of form to support a demand for extradition on the part of France of a criminal who had taken refuge in England.

Foreign Office, February 9, 1866.

Inclosure 2 in No. 10.

Depositions taken upon Application for a Warrant to apprehend William George Head upon a Charge of Forgery.

Metropolitan Police District, to wit.

The depositions of Robert James Miller and others taken on oath this 5th day of December, in the year of our Lord 1865, at the Police Court, Bow Street, in the county of Middlesex, and within the Metropolitan Police District, before me, the Undersigned, one of the magistrates of the Police Courts of the metropolis, sitting at the Police Court aforesaid.

THIS deponent, Robert James Miller, on his oath saith as follows:—I am one of the cashiers at the Bank of London, 450 Strand; Sir John Villiers Shelley and others are the trustees of that bank; Mr. John Elliott, of Tachbrook Street, Solicitor, keeps an account there. On the 17th August last the cheque for 620*l.* produced was presented to me for payment; I don't recollect by whom. I paid in the twelve 50*l.* notes produced, and 20*l.* in gold.

(Signed) R. J. MILLER.

Richard Adye Bailey, on his oath, saith:—I am a clerk in the Accountant's Bank Note Office, Bank of England. I produce twelve cancelled Bank of England notes for

50l. each, Nos. 45,084, 5, and 6, and 45,103 to 11, all dated June 9, 1865; they were brought in on the 17th of last August, in the name of John Elliott, 24, Tachbrook Street, Pimlico.

(Signed) R. A. BAILEY.

Frederick Windle Richie, sworn, saith:—I am one of the clerks in the Issue Department of the Bank of England. On the 17th August last, the twelve bank notes produced were presented to me to be changed for gold by the prisoner, to the best of my belief. In consequence of the large amount of gold required, I asked for what it was required; whether for exportation; he said it was not; that it was required for the purchase of a house; he said he came from the address on the notes, and that Mr. Elliott was a solicitor. After referring to the Principal in the office, I gave prisoner the gold.

(Signed) F. W. RITCHIE.

John Elliott, on his oath, saith:—I am a solicitor, of 24, Tachbrook Street, Pimlico. In the month of August last prisoner was in my service; he had been with me three or four months; he sat in the same room as me. I kept an account with the branch of the Bank of London, 450 Strand. The signature to the cheque produced is not in my handwriting. I did not authorize any person to put my name to this cheque. I am well acquainted with the prisoner's handwriting. This cheque is in his writing. The name, John Elliott, and the address on the note 45,111, are in the handwriting of the prisoner, who was in my service on the 17th August last. He left without my assent. I was not aware of his intention to leave. After he left I examined the "pad" he used, and found in it the piece of paper produced. On each side of it are written, "Six hundred and twenty pounds, John Elliott," in the prisoner's handwriting.

(Signed) JOHN ELLIOTT.

Joseph Huggett, on his oath, saith, I am one of the detective officers of the City of London Police Force. In consequence of instructions I received from the Foreign Office I proceeded to Spain. I saw the prisoner at Viego on the 4th November last in a prison in the name of Thornton. I had with me the warrant issued at this Court. I said to the prisoner, William George Head, "I am an officer from England; I apprehend you on this warrant for forging your master's name, Mr. John Elliott, to a cheque for 620l., and uttering it at the Bank of London, Charing Cross Branch, and receiving the money." He said, "I guess you are very wrong, my name is Thornton; I don't know why I am detained here." I said, "You use the word 'guess,' are you an American?" He answered, "I was born in New Bedford, in the county of Massachusetts, United States. When do you say the warrant was signed?" I said, "17th August." He said, "I can prove I was in Oporto on 17th August." I said, "If that's the case, I must send a telegram to Mr. Elliott, of Pimlico, and also a telegram to the Consul at Oporto, to come here and identify you as William George Head." The prisoner was then left for two hours, when I again went to him with Mr. Brackenbury, the Consul, who said to the prisoner "I must take your statement upon oath." Prisoner refused to be sworn, but stated something, which the Consul was taking down, when prisoner said, "It's useless going any further, I am the person named in that warrant; will you be kind enough to tell me the date again?" I told him the 17th August. He asked the amount. I told him 620l. He said, "The date and amount are quite right—I am the person named in that warrant." I told him he would have to return to England with me. He said he was willing to do so, and I received him from the Spanish authorities. I found 5s. upon the prisoner, and in his carpet bag two loaded pistols.

(Signed) JOSEPH HUGGETT.

The above witnesses were severally sworn before me, at the Police Court aforesaid, on the day and year first written.

(Signed) THOMAS HENRY,

Chief Magistrate of the Police Courts of the Metropolis.

Inclosure 3 in No. 10.

The depositions of A. B., C. D., E. F., &c., taken on oath this day of , in the year of our Lord 186 , at the Police Court, Bow Street, in the county of Middlesex, and within the Metropolitan Police district, before me the Undersigned, one of the Magistrates of the Police Courts of the metropolis, sitting at the Police Court aforesaid.

THIS deponent, , on his oath saith as follows :

Here set forth fully the facts to establish the criminality of the accused.

If the charge be that of forgery, set forth a *verbatim* copy of the document or instrument alleged to be forged.

If the charge be that of fraudulent bankruptcy, the nature of the fraud should be fully stated, as there are several kinds of fraudulent bankruptcy known to our law.

The depositions, and also the *mandat d'arrêt*, should specify the particular description of fraudulent bankruptcy with which the accused is charged.

Each witness ought to sign his name at the end of his deposition.

At the end of all the depositions the magistrate should write "severally sworn before me the day and year first named at

(Signed) A. B.,

Magistrate for

Form of Certificate on Copy of Depositions.

I, the undersigned magistrate for , do hereby certify that the above are true copies of the depositions upon which a *mandat d'arrêt* for the apprehension of C. D., late of , but now supposed to be residing at , was issued by me under my hand and seal day of , 186 .

(Signed) A. B.,

Magistrate for

No. 11.

Earl Cowley to the Earl of Clarendon.—(Received February 14.)

My Lord,

Paris, February 13, 1866.

I HAD a long conversation this afternoon with M. Drouyn de Lhuys on the subject of the denunciation of the Extradition Treaty, and I read to his Excellency the very clear and circumstantial Memorandum drawn up in your Lordship's office of the proceedings of the Conference held there on the 8th instant, inclosed in copy in your despatch of yesterday's date.

On the whole, M. Drouyn de Lhuys received this communication favourably, and he is convinced of the desire of Her Majesty's Government to render the working of the Treaty as efficacious as possible.

He intends to propose to his colleague, the Minister of Justice, that a Conference shall be held here at the Foreign Department, to which I am invited. After that Conference it will, in his Excellency's opinion, be time to decide whether the offer made by Her Majesty's Government to send a British Magistrate to Paris shall be availed of or not.

In the meantime there are two points on which M. Drouyn de Lhuys wishes for further information. Supposing it to be decided that for French purposes it is preferable to furnish the depositions necessary to back the *mandat d'arret*, or warrant of arrest, by means of an *acte d'accusation*, such act requires some time for its preparation, during which an accused person might make his escape, would it be possible, his Excellency asks, to obtain the preliminary arrest of such accused person on the simple production of the French warrant, a time being fixed within which the necessary depositions must be produced, or the accused set at liberty?

I explained to M. Drouyn de Lhuys that when a magistrate in England was not satisfied by means of the first witnesses produced, that there was sufficient evidence to send the accused to trial, he might remand him from time to time for the production of further evidence, but that I doubted whether a simple warrant, though it might set forth the crime, would be sufficient without any evidence at all to insure the apprehension and remand of a person whose extradition was demanded. I should be glad to have, at your Lordship's earliest convenience, the opinion of Sir Thomas Henry on this point.

M. Drouyn de Lhuys wishes further to know whether, in the opinion of Her Majesty's Government, the persistence of the French Government to have persons condemned after trial, who might escape from the hands of justice to British possessions, included in a supplementary Treaty, should such an Act be resorted to, would imperil the chance of such Treaty being sanctioned by Parliament. Persons condemned *par contumace*, his Excellency admits, could be claimed as accused persons.

M. Drouyn de Lhuys is quite satisfied with the proposal that additional crimes should be made the object of a Supplementary Convention.

I have, &c.
(Signed) COWLEY.

No. 12.

The Earl of Clarendon to Earl Cowley.

My Lord,

Foreign Office, February 16, 1866.

UPON the receipt of your Excellency's despatch of the 13th instant, I requested the opinion of Sir Thomas Henry on the two points on which M. Drouyn de Lhuys desired further information in regard to cases of extradition between this country and France.

I now transmit to your Excellency a copy of a letter from Sir Thomas Henry stating his views upon this subject.

I am, &c.
(Signed) CLARENDON.

Inclosure in No. 12.

Sir T. Henry to Mr. Hammond.

Dear Mr. Hammond,

Bow Street, February 15, 1866.

THE simple production of a *mandat d'arrêt*, without any depositions or any oral evidence, would not be sufficient to obtain the arrest of an accused person. A warrant for the apprehension of an accused person cannot be issued in England unless there is some *prima facie* proof, either by depositions or oral evidence, to show that the accused had committed one of the offences named in the Treaty. The evidence need not be complete at the first hearing, as an English magistrate has the power to "remand" to an adjourned day or days for any additional proof that might be requisite.

Practically, I should think there can be no difficulty in sending over copies of the depositions upon which the *mandat d'arrêt* was granted. All that an English magistrate would require would be the production of the *mandat d'arrêt*, and certified copies of the depositions upon which it was issued. If they disclose a sufficient *prima facie* case the accused would be surrendered to take his trial before a French jury.

I conclude by expressing my confident belief that the existing Treaty may be carried into effect so as to give satisfaction to both countries.

Very truly yours,
(Signed) THOMAS HENRY.

No. 13.

Earl Cowley to the Earl of Clarendon.—(Received February 21.)

(Extract.)

Paris, February 20, 1866.

I HAD yesterday an interview with M. Baroche, the Minister of Justice, upon the subject of the Extradition Treaty.

M. Baroche inquired whether it would not be sufficient if the depositions were certified diplomatically; that is, that they should first receive his signature as a voucher for their exactitude; that his signature should be certified by the Minister for Foreign Affairs; and so on until they reached your Lordship's Department; his object apparently being that the magistrate's signature should be verified by a superior and not by an inferior authority.

M. Baroche asks, further, whether the identity of an accused person may not be

proved by other individuals than a police officer; for instance, by the person accusing him.

M. Drouyn de Lhuys and myself both agree that it will be necessary that Her Majesty's Government should send a competent lawyer to Paris, understanding the French language, who could discuss all these matters and put them into form with persons delegated by the French Government. It is feared that so short a visit as Sir Thomas Henry could make would not give sufficient time to effect this purpose, though when matters are further advanced his presence here for a few hours might be attended with the greatest advantage.

No. 14.

The Earl of Clarendon to Earl Cowley.

My Lord,

Foreign Office, March 3, 1866.

I HAVE referred to Her Majesty's Secretary of State for the Home Department portions of your Excellency's despatch of the 20th ultimo, adverting to certain questions which had been raised at an interview which your Excellency has had with M. Baroche in regard to the legalization of the depositions to be produced, the evidence to be required for the identity of the accused, and the arrangements to be made for discussing at Paris the various questions connected with extradition.

I now transmit to your Excellency, for your information, a copy of a letter from the Home Office in reply to the above reference.

I am, &c.
(Signed) CLARENDON.

Inclosure in No. 14.

Mr. Waddington to Mr. Hammond.

Sir,

Whitehall, February 28, 1866.

I HAVE laid before Secretary Sir George Grey your letter of the 21st instant, inclosing extracts of a despatch from Her Majesty's Ambassador at Paris, in reference to the Extradition Treaty with France, and asking for Sir George Grey's opinion upon three points:—

1. The legalization of the depositions to be produced.
2. The evidence to be required of the identity of the accused.
3. The arrangements to be made for discussing at Paris the various questions connected with extradition.

And I am to request that you will state to the Earl of Clarendon in reply:—

1. That by the law of this country depositions must be attested upon the oath of the party producing them to be true copies of the original depositions on which the warrant for apprehension was granted. The law can only be altered in this respect by Parliament, which may very possibly object to the diplomatic mode of verification proposed by M. Baroche. At all events Her Majesty's Government cannot give any assurance on the subject.

2. The identity of the accused may now be proved by any witness who knows the party; there can therefore be no difficulty on that head.

3. Sir George Grey will endeavour to make arrangements for sending to Paris a barrister who is competent to discuss the subject.

I am, &c.
(Signed) H. WADDINGTON.

No. 15.

Sir F. Bruce to the Earl of Clarendon.—(Received March 9.)

My Lord,

Washington, February 23, 1866.

I HAVE the honour to transmit copies of a note which I have received from the Acting Secretary of State and of its inclosures relative to the interpretation of the United States' Extradition Treaty with France.

I have, &c.
(Signed) FREDERICK W. A. BRUCE.

Inclosure 1 in No. 15.

Mr. Seward to Sir F. Bruce.

Sir,

Department of State, Washington, February 23, 1866.

WITH reference to your communication of the 13th instant, inquiring, at the instance of your Government, for information in regard to the interpretation of our Extradition Treaty with France by the Judges and Commissioners in our country, and whether the United States' Government consider themselves bound, under their present Treaty with France, to deliver up persons convicted in that country, either after trial or by the procedure, known as conviction *par contumace*, and who may have escaped from the consequences of conviction, I have the honour to inclose, for your information upon these subjects, a copy of a letter from the District Attorney for the southern district of New York of the 20th instant, together with three printed copies of the Act of Congress of June 22, 1860, therein referred to.

I have, &c.

(Signed) WILLIAM H. SEWARD.

Inclosure 2 in No. 15.

*Mr. Dickinson to Mr. Seward.**Office of District Attorney of the United States for the
Southern District of New York,*

Sir,

New York, February 20, 1866.

I HAVE the honour to acknowledge the receipt of your communications dated respectively on the 13th and 15th instant, inclosing certain questions in reference to the practical working of the Extradition Treaty between France and the United States, with the request that I would endeavour to have the same answered.

I have carefully considered the subject referred to, and have conferred with the United States' Commissioners in this district who have most frequently had occasion to exercise their magisterial powers for the purpose of returning criminals under the various Extradition Treaties with foreign countries, and have examined such adjudications on the questions at issue, as are reported in the books.

The following is the result of my inquiries:—

A simple *mandat d'arrêt* or *capias*, issued by a French *Juge de Paix*, does not entitle the French Government to the extradition from this country of a person accused of a crime provided for by the Treaty.

The proceedings which must be taken here to enable the French authorities to obtain the extradition of such a person are—

1st. A complaint made under oath or affirmation before an officer vested with the requisite authority, charging such person with having committed within the jurisdiction of the French Government, a crime enumerated in the Treaty. On this complaint a warrant is issued for the apprehension of the accused.

2nd. On the accused being brought before the magistrate, such evidence must be presented as would be deemed sufficient by that officer to commit him for trial, if the crime had been committed here.

This evidence may consist of parole testimony, or copies of the depositions and other papers upon which an original warrant may have been granted in France, legally authenticated, so as to entitle them to be received for similar purposes in that country.

3rd. The parole evidence of a witness who can identify the accused. Written depositions may be admitted in evidence, without parole evidence, where their authentication is attested, as provided by the Act of Congress, approved June 22, 1860, 12th "Statutes at Large," p. 84, § 1.

There is nothing, however, in the statute to prevent their attestation by parole.

The Commissioners whom I have consulted do not consider that the Extradition Treaty with France would warrant them in giving up escaped convicts who had been convicted either after trial or *par contumace*, merely on the record of their conviction. They would require the same evidence in such cases as if the accused had not been convicted.

In this view of the law I concur with the Commissioners, nor would I deem it good policy for the Government to include the return of such persons within the provisions of an Extradition Treaty on any other basis. The return of persons whose presence for

other reasons might be desired in a foreign country, could be secured with much ease if the record of a conviction *par contumace* was sufficient for that purpose.

I have, &c.

(Signed) D. S. DICKINSON,
United States District Attorney.

Inclosure 3 in No. 15.

An Act to amend an Act entitled "An Act for giving Effect to certain Treaty Stipulations between this and Foreign Governments for the Apprehension and Delivery up of certain Offenders."

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that in all cases where any depositions, warrants, or other papers, or copies thereof, shall be offered in evidence upon the hearing of an extradition case under the second section of the Act entitled "An Act for giving Effect to certain Treaty Stipulations between this and Foreign Governments for the Apprehension and Delivery up of certain Offenders," approved August twelfth, eighteen hundred and forty-eight, such depositions, warrants, and other papers, or copies thereof, shall be admitted and received for the purposes mentioned in the said section, if they shall be properly and legally authenticated, so as to entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party shall have escaped, and the certificate of the principal Diplomatic or Consular officer of the United States resident in such foreign country shall be proof that any paper or other document so offered is authenticated in the manner required by this Act.

Approved June 22, 1860.

No. 16.

Earl Cowley to the Earl of Clarendon.—(Received April 11.)

(Extract.)

Paris, April 9, 1866.

SIR THOMAS HENRY having been over here for a few days last week, I profited by his presence to put him in communication with the Minister of Justice, with a view of seeing whether, by the explanations which he might be able to give of the procedure in the Police Courts in England, he could not satisfy M. Baroche that the Extradition Treaty between Great Britain and France might still be executed with benefit to both countries.

A meeting was held at the Ministry of Justice on the 2nd instant, at which were present M. Drouyn de Lhuys, M. Baroche, and M. Babinet, one of the Secretaries in the Department of Justice, Sir Thomas Henry, and myself.

Nothing could exceed the courtesy of the French officials on this occasion. They listened with great attention and patience, and with an apparent wish to turn them to good account, to the explanation which Sir Thomas Henry was enabled to furnish them; but I fear that unless Her Majesty's Government are willing to submit for the consideration of Parliament some modifications of, and additions to the present Treaty, it will be allowed to expire at the end of the six months' denunciation.

The great difficulty is with regard to swearing to the truth of the depositions which may be taken to England to substantiate a crime committed in this country. It seems impossible to get over the reluctance which is felt by the French magistrature to submit the depositions which they have taken to the examination of an inferior officer. They would prefer sending the depositions in original, but the proof of their originality would be equally difficult to substantiate. M. Baroche continues to offer as a substitute that the Minister of Justice should certify to the truth of the copies of depositions sent to England, that magistrate's signature being legalized for the English Courts in the manner usually followed for verifying signatures.

The French Government desires also to make any new or any supplementary Treaty more comprehensive.

The necessity of identifying the accused party was fully admitted.

In the course of the interview it was stated that France had no less than fifty-three Treaties of Extradition with other countries, all of which had been followed by satisfac-

tory results. There could therefore be no other object, M. Baroche observed, in denouncing the Treaty with England, than its total failure.

There can, I think, be no doubt that the Act of Parliament sanctioning the Extradition Treaty of 1843, while intending to give facilities which the Treaty itself did not give, viz., the admission of documentary evidence, rather had the contrary effect, and that if oral evidence had been insisted upon, the Treaty might have worked better.

I beg leave to refer your Lordship to Sir Thomas Henry for any further explanations which may be necessary, as, after the interview to which I have alluded, he remained in communication with the French authorities, and before leaving Paris made himself thoroughly acquainted with the proceedings of the French Criminal Courts.

No. 17.

Sir T. Henry to the Earl of Clarendon.—(Received April 30.)

My Lord,

Bow Street, April 20, 1866.

The difficulty experienced in giving effect to the Treaty with France arises from some words in the second section of the Extradition Act, 7th Victoria, cap. 75. The object of that section was to obviate the necessity of sending witnesses from one country to the other, and with that view it enacted that copies of the depositions upon which the French warrant of arrest was granted may be received in evidence if “certified under the hand of the person issuing such warrant, *and attested upon the oath of the party producing them, to be true copies of the original depositions.*”

The words in *italics* have given rise to the difficulty which I will shortly explain; when the French Government applies for the extradition of an accused fugitive, the practice has been to transmit a warrant of arrest, and copies of depositions certified under the hand and seal of the “Juge d’Instruction” who issued the warrant, and verified by the signature and seal of the Minister of Justice; requisition is thereupon made by the French Ambassador to one of Her Majesty’s Secretaries of State, who directs that application shall be made to the Chief Magistrate of this Court to issue his warrant for the apprehension of the accused; before that can be done it is absolutely necessary that the “*person producing the copies should attest upon oath that they are true copies*; he cannot so attest unless he has compared them with the original depositions, and to do that it becomes necessary that he should apply to the Judge in France who signed the certificate; and ask permission to see the original depositions, so that he may compare, and be able to attest, that the copies are true copies, or, in other words, that he may be able to swear that the Judge had certified truly.

At the interview which Lord Cowley and I had with the Minister of Justice (M. Baroche), he said that the French Judges considered it an indignity that their certificates should be treated as unworthy of any confidence, and that a person, usually a common policeman, should be sent into their Chambers, requiring to see the original depositions in order to ascertain whether the Judges had given true certificates. He stated that France had fifty-three Extradition Treaties, and that all other countries were perfectly satisfied with the official certificates which authenticated their warrants and depositions. He remarked that all criminal proceedings in France were conducted by the State, under the supervision of the Attorney-General and the Minister of Justice, and that it was not to be supposed that they would send false copies of depositions.

I think it right to say that I had ample opportunity of seeing, and examining minutely, the French criminal procedure in all its stages, and I was very much impressed with the painstaking and careful manner in which the cases are investigated. I beg leave, therefore, to offer my opinion that we may safely trust to the accuracy of the certified copies, verified, as they all are, by the signature of the Minister of Justice, and I think that we ought to dispense with the attestation upon oath which has given so much offence. If that view should be adopted, a short Bill might be introduced to alter the second section by omitting the objectionable words. I believe, if that can be done, the French Government may be induced to withdraw their notice, and to allow the existing Treaty to continue in force, or, if it be deemed more desirable, they would enter into a new Treaty, or add a Supplementary Article to the existing Treaty, for the purpose of adding to the list of crimes for which extradition might be claimed.

M. Drouyn de Lhuys said that the English Government might select and name the crimes they wish to add. His language was most conciliatory upon the whole question, and I feel convinced that he is ready to act in the most amicable spirit. M. Baroche also discussed the subject in very friendly terms, and I am therefore induced to express

my belief that both those Ministers are well disposed to arrive at a satisfactory arrangement.

It would be a subject of just regret if the Treaty were broken off for so small a cause, and I have no doubt that the commercial world would soon find a large increase in the crimes of forgery and embezzlement, and a great addition to the number of fugitives.

I will draw a clause on the next page with a view to obviate the difficulty that has hitherto been experienced in proving depositions, but such a clause will of course only be available in the event of the existing Treaty remaining in force. If the Treaty is allowed to expire, the two Extradition Acts expire with it, and if there be a new Treaty, there must be a new Act to give effect to it. The clause which I shall annex will simply be to amend the 2nd section of the 7th Vict., chap. 75.

If it be thought desirable, the clause can easily be made applicable to cases of extradition under the Treaties with the United States and with Denmark.

Apologizing for having trespassed at such length upon your Lordship's attention, I have, &c.

(Signed)

THOMAS HENRY.

Inclosure in No. 17.

Suggestions for an Amendment Bill.

TITLE.

AN ACT to Facilitate the Admission in Evidence of Official Documents in cases arising under the Treaty of Extradition with France.

WHEREAS difficulties have been experienced in carrying into execution the Treaty of Extradition with France; and whereas the Act passed in the seventh year of the reign of Her Majesty, entitled "An Act for giving effect to a Convention between Her Majesty and the King of the French for the Apprehension of certain Offenders," has been found insufficient, and it is expedient to amend the same, so far as it relates to the admission in evidence of judicial or official documents, or copies of documents: Be it enacted, that warrants of arrest, and copies of depositions, signed or taken by or before a Judge or competent Magistrate in France, shall henceforth be received in evidence, if authenticated in manner following, that is to say, if the warrant of arrest purports to be signed by a Judge or competent Magistrate, and if the copies of depositions purport to be certified under the hand of such Judge or Magistrate to be true copies of the original depositions upon which the warrant was issued, and if the signature of the Judge or magistrate shall in each case be authenticated officially by the signature and seal of the Minister of Justice in France; and all Courts of Justice and Magistrates shall take judicial notice of the said seal, and admit the documents so authenticated by it to be received in evidence without further proof.

This Act shall be deemed part of, and shall be construed with, an Act passed in the seventh year of the reign of Her Majesty (chapter 25), and entitled "An Act for giving effect to a Convention between Her Majesty and the King of the French for the Apprehension of certain Offenders."

And this Act shall likewise be construed with, and deemed part of an Act passed in the fifteenth year of the reign of Her Majesty (chapter 113), and entitled "An Act to amend the Law of Evidence."

NOTE.—See the Acts for admission of evidence, 8 & 9 Vict., chap. 113; and 14 & 15 Vict., chap. 99, secs. 7 and 13.

No. 18.

Mr. Hammond to Mr. Waddington.

Sir,

Foreign Office, May 9, 1866.

WITH reference to the correspondence between the two Departments respecting the denunciation by the French Government of the Extradition Treaty with this country of 1843, I am directed by the Earl of Clarendon to transmit to you herewith, to be laid

before Secretary Sir George Grey, a letter from Sir Thomas Henry, suggesting a mode of removing the difficulty which results from the terms of the second Article of the Act of the 7th Vict., cap. 75.

I am also to inclose a Report from the Law Officers of the Crown, from which Sir George Grey will see that they consider that a short Bill might be introduced into Parliament applicable to all cases of extradition under Treaties between this Government and foreign States, which might enable Her Majesty's Government to introduce into all such Treaties the amendment which Sir Thomas Henry has sketched out with regard to the admission in evidence of certified copies of official and political documents. I am to request that you will state to Sir George Grey that if he concurs in this view of the matter, Lord Clarendon would be glad if he would give directions for the draft of a Bill to be immediately prepared in conformity with the suggestions of the Law Officers, so that no time may be lost in presenting it to Parliament. The Extradition Treaty with France will expire on the 4th of June, and with it the Act of 1843 for giving effect to it; and Lord Clarendon would therefore be obliged to Sir George Grey to inform him as soon as possible whether he agrees in the course recommended by Sir Thomas Henry, and concurred in by the Law Officers.

I send with this, for convenience of reference, the correspondence with Lord Cowley and the Law Officers of the Crown on this subject, the greater portion of which, however, is already in possession of the Home Office.

I am, &c.
(Signed) E. HAMMOND.

No. 19.

Mr. Waddington to Mr. Hammond.—(Received May 12.)

Sir,

Whitehall, May 11, 1866.

I HAVE laid before Secretary Sir George Grey your letter of the 9th instant, and accompanying papers, in reference to the introduction of a Bill to remove a difficulty which exists in carrying out the Treaty of Extradition between this country and France; and I am to acquaint you, for the information of the Earl of Clarendon, that Sir George Grey has called upon the Attorney and Solicitor-General, and the Queen's Advocate, to prepare a Bill in accordance with the recommendation made in their Report to Lord Clarendon of the 8th instant, for the consideration of Her Majesty's Government.

I am, &c.
(Signed) H. WADDINGTON.

No. 20.

The Prince de la Tour d'Auvergne to the Earl of Clarendon.—(Received May 22.)

M. le Comte,

Londres, le 21 Mai, 1866.

VOTRE Excellence se rappellera sans doute, qu'aux termes de la déclaration que j'ai eu l'honneur de lui faire, le 4 Décembre dernier, pour denoncer, au nom du Gouvernement de l'Empereur, le Traite d'Extradition du 13 Février, 1843, cet acte devrait cesser de produire ses effets dans les six mois, c'est-à-dire, le 5 Juin, 1866.

Toutefois, à la suite des pourparlers qui ont eu lieu récemment à Paris entre M. l'Ambassadeur de Sa Majesté Britannique à Paris, accompagné du Premier Magistrat de Police de Londres, et le Gouvernement de l'Empereur, il a été convenu qu'une nouvelle épreuve serait tentée pour exécuter le Traité, et, dans ce but, nous avons adressé dernièrement aux autorités Anglaises une demande d'extradition.

Dans ces circonstances, M. le Ministre des Affaires Etrangères a dû examiner si, dans l'intérêt de l'essai qui suit son Cours en ce moment même, il n'y aurait pas convenance à prolonger temporairement l'existence du Traité. Son Excellence M. Drouyn de Lhuys me charge donc de vous annoncer officiellement, M. le Comte, que le Gouvernement de l'Empereur, désireux de donner au Gouvernement de la Reine une preuve de son bon vouloir, consent à prolonger le Traité de six mois. M. le Ministre des Affaires Etrangères ajoute d'ailleurs, que cette résolution, qui nous est dictée à la fois, et par nos sentiments d'amitié, et par le désir sincère d'employer tous les moyens d'arriver à une entente, laisse subsister, dans leur intégrité, les objections que le Gouvernement de l'Empereur a élevées contre la Convention de 1843, et qui l'ont conduit à la dénoncer.

Veillez, &c.
(Signé) PCE. DE LA TOUR D'AUVERGNE.

(Translation.)

M. le Comte,

London, May 21, 1866.

YOUR Excellency will doubtless recollect that, according to the terms of the declaration which I had the honour to make to you on the 4th of December last, for the purpose of denouncing in the name of the Imperial Government the Extradition Treaty of February 13, 1843, the said Act would cease to have effect within six months from that time, namely, on the 5th of June, 1866.

Nevertheless, in consequence of the Conferences which have recently taken place at Paris between Her Britannic Majesty's Ambassador at Paris, accompanied by the Chief Police Magistrate of London, and the Imperial Government, it has been agreed that a new attempt should be made to put the Treaty in execution, and with this object we have lately addressed a demand for extradition to the English authorities.

Under these circumstances the Minister for Foreign Affairs has felt called upon to consider whether, in the interest of the trial which is at present in progress, it would not be proper to temporarily prolong the existence of the Treaty. His Excellency, M. Drouyn de Lhuys, instructs me therefore to announce to you officially, M. le Comte, that the Imperial Government, desirous of affording Her Majesty's Government a proof of their goodwill, consent to the prolongation of the Treaty for six months. The Minister for Foreign Affairs adds further that this resolution, which is equally dictated both by our sentiments of friendship and by the sincere desire to employ every means to arrive at an understanding, does not in any way affect the objections which the Imperial Government have raised against the Convention of 1843, and which have induced them to denounce it.

Be good enough, &c.

(Signed)

PCE. DE LA TOUR D'AUVERGNE.

No. 21.

The Earl of Clarendon to the Prince de la Tour d'Auvergne.

M. l'Ambassadeur,

Foreign Office, May 25, 1866.

I HAVE the honour to acknowledge the receipt of your letter of the 21st instant, acquainting me that the Imperial Government is willing to extend for six months the period which, according to your Excellency's previous letter of the 4th of December, should arrive on the 5th of June next for the termination of the Extradition Treaty between the two countries of the 13th of February, 1843.

Her Majesty's Government do full justice to the motives which have influenced the Imperial Government in coming to this decision; and in apprising your Excellency of the acceptance of the proposal by the Government of Her Majesty, I have to add that Her Majesty's Government hope that this extension of time for deliberation may lead to the understanding which is so much desired on the questions between the two Governments.

I am, &c.

(Signed)

CLARENDON.

No. 22.

The Earl of Clarendon to Earl Cowley.

(No. 750.)

My Lord,

Foreign Office, May 25, 1866.

I TRANSMIT to your Excellency herewith, for your information, a copy of a letter which I have received from the Prince de la Tour d'Auvergne* proposing on the part of his Government the extension of the Extradition Treaty for a period of six months.

I also inclose a copy of the answer which I have returned to the French Ambassador, informing him of the acquiescence of Her Majesty's Government in this proposal.†

I am, &c.

(Signed)

CLARENDON.

* No. 20.

† No. 21

APPENDIX.

Convention between Great Britain and France, for the mutual Surrender, in certain Cases, of Persons fugitive from Justice.—Signed at London, February 13, 1843.

[Ratifications exchanged at London, March 13, 1843.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up ;

Their said Majesties have named as their Plenipotentiaries to conclude a Convention for this purpose, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George Earl of Aberdeen, Viscount Gordon, Viscount Formartine, Lord Haddo, Methlick, Tarvis, and Kellie, a Peer of the United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, Knight of the Most Ancient and Most Noble Order of the Thistle, and Her Majesty's Principal Secretary of State for Foreign Affairs ;

And His Majesty the King of the French, the Sieur Louis de Beaupoil, Count of Sainte Aulaire, a Peer of France, Grand Officer of the Royal Order of the Legion of Honour, Grand Cross of the Order of Leopold of Belgium, his Ambassador Extraordinary to Her Britannic Majesty ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :—

ARTICLE I.

It is agreed that the High Contracting Parties shall, on requisitions made in their name through the medium of their respective Diplomatic Agents, deliver up to justice persons who, being accused of the crimes of murder (comprehending the crimes designated in the French Penal Code by the terms assassination, parricide, infanticide, and poisoning), or of an attempt to commit murder, or of forgery, or of fraudulent

[323]

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Français, ayant jugé convenable, en vue d'une meilleure administration de la justice, et pour prévenir les crimes dans leurs territoires et juridictions respectives, que les individus accusés des crimes ci-après énumérés, et qui se seraient soustraits par la fuite aux poursuites de la justice, fussent, dans certaines circonstances, réciproquement extradés ;

Leurs dites Majestés ont nommé pour leurs Plénipotentiaires à l'effet de conclure dans ce but une Convention, savoir :—

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable George Comte de Aberdeen, Vicomte Gordon, Vicomte Formartine, Lord Haddo, Methlick, Tarvis, et Kellie, Pair du Royaume Uni, Conseiller de Sa Majesté en son Conseil Privé, Chevalier du Très Ancien et Très Noble Ordre du Chardon, et Principal Secrétaire d'Etat de Sa Majesté pour les Affaires Etrangères ;

Et Sa Majesté le Roi des Français, le Sieur Louis de Beaupoil, Comte de Sainte Aulaire, Pair de France, Grand Officier de l'Ordre Royal de la Légion d'Honneur, Grand Croix de l'Ordre de Léopold de Belgique, son Ambassadeur Extraordinaire près Sa Majesté Britannique ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et conclu les Articles suivants :—

ARTICLE I.

Il est convenu que les Hautes Parties Contractantes, sur les réquisitions faites en leur nom par l'intermédiaire de leurs Agents Diplomatiques respectifs, seront tenues de livrer en justice les individus qui, accusés des crimes de meurtre (y compris les crimes qualifiés dans le Code Pénal Français d'assassinat, de parricide, d'infanticide, et d'empoisonnement), ou de tentative de meurtre, ou de faux, ou de banqueroute frauduleuse,

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bankruptcy, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other: provided that this shall be done only when the commission of the crime shall be so established as that the laws of the country where the fugitive or person so accused shall be found would justify his apprehension and commitment for trial, if the crime had been there committed.

Consequently, on the part of the French Government, the surrender shall be made only by the authority of the Keeper of the Seals, Minister of Justice, and after the production of a warrant of arrest or other equivalent judicial document, issued by a Judge, or other competent authority, in Great Britain, clearly setting forth the acts for which the fugitive shall have rendered himself accountable; and on the part of the British Government, the surrender shall be made only on the report of a Judge or Magistrate duly authorized to take cognizance of the acts charged against the fugitive in the warrant of arrest or other equivalent judicial document, issued by a Judge or competent Magistrate in France, and likewise clearly setting forth the said acts.

ARTICLE II.

The expenses of any detention and surrender made in virtue of the preceding Article, shall be borne and defrayed by the Government in whose name the requisition shall have been made.

ARTICLE III.

The provisions of the present Convention shall not apply in any manner to crimes of murder, forgery, or fraudulent bankruptcy, committed antecedently to the date thereof.

ARTICLE IV.

The present Convention shall be in force until the 1st of January, 1844, after which date either of the High Contracting Parties shall be at liberty to give notice to the other of its intention to put an end to it; and it shall altogether cease and determine at the expiration of six months from the date of such notice.

ARTICLE V.

The present Convention shall be ratified, and the ratification shall be exchanged at London at the expiration of three weeks from its date, or sooner if possible.

In witness whereof the respective Pleni-

commis dans la juridiction de la partie requérante, chercheront un asile, ou seront rencontrés dans les territoires de l'autre: pourvu que cela n'ait lieu que dans le cas où l'existence du crime sera constatée de telle manière que les lois du pays où le fugitif ou individu ainsi accusé, sera rencontré, justifieraient sa détention, et sa mise en jugement, si le crime y avait été commis.

En conséquence, l'extradition ne sera effectuée, de la part du Gouvernement Français, que sur l'avis du Gardé de Sceaux, Ministre de la Justice, et après production d'un mandat d'arrêt ou autre acte judiciaire équivalent, émané d'un Juge ou d'une autorité compétente de Grande Bretagne, énonçant clairement les faits dont le fugitif se sera rendu coupable; et elle ne sera effectuée de la part du Gouvernement Britannique, que sur le rapport d'un Juge ou Magistrat commis à l'effet d'entendre le fugitif sur les faits mis à sa charge par le mandat d'arrêt ou autre acte judiciaire équivalent, émané d'un Juge ou Magistrat compétent en France, et énonçant également d'une manière précise les dits faits.

ARTICLE II.

Les frais de toute détention et extradition opérées en vertu de l'Article précédent, seront supportés et payés par le Gouvernement au nom duquel la réquisition aura été faite.

ARTICLE III.

Les dispositions de la présente Convention ne s'appliqueront en aucune manière aux crimes de meurtre, de faux, ou de banqueroute frauduleuse, commis antérieurement à sa date.

ARTICLE IV.

La présente Convention sera en vigueur jusqu'au 1 Janvier, 1844; après cette époque l'une des Hautes Parties Contractantes pourra déclarer à l'autre son intention de la faire cesser; et elle cessera en effet à l'expiration des six mois qui suivront cette déclaration.

ARTICLE V.

La présente Convention sera ratifiée, et les ratifications seront échangées à Londres à l'expiration de trois semaines à partir de sa date, ou plus tôt si faire si peut.

En foi de quoi les Plénipotentiaires re-

potentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 13th day of February, in the year of our Lord 1843.

(L.S.) ABERDEEN.

(L.S.) STE. AULAIRE.

spectifs l'ont signée, et y ont apposé les cachets de leurs armes.

Fait à Londres, le 13 Février, l'an de grâce 1843.

(L.S.) ABERDEEN.

(L.S.) STE. AULAIRE.

Act of the British Parliament "For giving Effect to a Convention between Her Majesty and the King of the French, for the Apprehension of certain Offenders."

6 & 7 Vict., c. 75.—August 22, 1843.

WHEREAS by a Convention between Her Majesty and the King of the French, signed at London on the 13th day of February, in the year 1843,* the ratifications whereof were exchanged at London on the 13th day of March in the same year, it was agreed, "that the High Contracting Parties should, on requisition made in their name through the medium of their respective Diplomatic Agents, deliver up to justice persons who, being accused of the crimes of murder (comprehending the crimes designated in the French Penal Code by the terms assassination, parricide, infanticide, and poisoning), or of an attempt to commit murder, or of forgery, or of fraudulent bankruptcy, committed within the jurisdiction of the requiring party, should seek an asylum, or should be found within the territories of the other, provided that this should be done only when the commission of the crime should be so established as that the laws of the country where the fugitive or person so accused should be found would justify his apprehension and commitment for trial if the crime had been there committed;" and it is by the said Convention further stipulated, "that on the part of the British Government the surrender should be made only on the report of a Judge or Magistrate duly authorized to take cognizance of the acts charged against the fugitive in the warrant of arrest, or other equivalent judicial document, issued by a Judge or competent Magistrate in France, and likewise clearly setting forth the said acts;" and it is by the said Convention further stipulated and agreed, "that the expenses of any detention and surrender made in virtue of the stipulations hereinbefore recited should be borne and defrayed by the Government in whose name the requisition should have been made;" and it is by the said Convention further stipulated and agreed, "that the provisions of the said Convention should not apply in any manner to crimes of murder, forgery, or fraudulent bankruptcy committed antecedently to the date thereof;" and it is by the said Convention further stipulated and agreed, "that the said Convention should be in force until after the 1st day of January in the year 1844, after which date either of the High Contracting Parties should be at liberty to give notice to the other of its intention to put an end to it, and it should altogether cease and determine at the expiration of six months from the date of such notice;" and whereas it is expedient that provision should be made for carrying the said Convention into effect: be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in case requisition be duly made, pursuant to the said Convention, in the name of His Majesty the King of the French, by his Ambassador or other accredited Diplomatic Agent, to deliver up to justice any person who, being accused of having committed, after the ratification of the said Convention, the crime of murder (comprehending the crimes designated in the French Penal Code by the terms assassination, parricide, infanticide, and poisoning), or of an attempt to commit murder, or of forgery, or of fraudulent bankruptcy, within the territories and jurisdiction of His said Majesty the King of the French, shall be found within the dominions of Her Majesty, it shall be lawful for one of Her Majesty's Principal Secretaries of State, or in Ireland for the Chief Secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty's Colonies or possessions abroad for the officer administering the Government of any such Colony or possession, by warrant under his hand and seal, to signify that such requisition has been so made, and to require all Justices of the Peace and other Magistrates and officers of justice within their several jurisdictions to govern themselves accordingly, and to aid in apprehending the person so accused and committing such person to gaol, for the purpose of being delivered up to justice, according to the provisions of the said Convention, and thereupon it shall be lawful for any Justice of the Peace, or other person having power to commit for trial persons accused of crimes against the laws of that part of Her Majesty's dominions in

* See page 31.

which such supposed offender shall be found, to examine upon oath any person or persons touching the truth of such charge, and upon such evidence as, according to the laws of that part of Her Majesty's dominions, would justify the apprehension and committal for trial of the person so accused, if the crime of which he or she shall be so accused had been there committed, it shall be lawful for such Justice of the Peace, or other person having power to commit as aforesaid, to issue his warrant for the apprehension of such person, and also to commit the person so accused to gaol, there to remain until delivered pursuant to such requisition as aforesaid.

II. Provided always, and be it enacted, that in every such case copies of the depositions upon which the original warrant was granted, certified under the hand of the person or persons issuing such warrant, and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person apprehended.

III. And be it enacted, that it shall be lawful for one of Her Majesty's Principal Secretaries of State, or in Ireland for the Chief Secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty's Colonies or possessions abroad for the officer administering the Government of any such Colony or possession, by warrant under his hand and seal, to order the person so committed to be delivered up to such person or persons as shall be duly authorized in the name of the said King of the French to receive the person so committed, and convey such person to the dominions of the said King of the French, to be tried for the crime of which such person shall be so accused, and such person shall be delivered up accordingly; and it shall be lawful for the person or persons authorized as aforesaid to receive the person so charged with crime and committed as aforesaid, to hold such person in custody, and take him or her to the dominions of the King of the French, pursuant to the said Convention; and if the person so accused shall escape out of any custody to which he or she shall be committed, or to which he or she shall be delivered as aforesaid, it shall be lawful to retake such person, in the same manner as any person accused of any crime against the laws of that part of Her Majesty's dominions to which he or she shall so escape may be retaken upon an escape: provided always, that no Justice of the Peace or other person shall issue his warrant for the apprehension of any such supposed offender until it shall have been proved to him, upon oath or by affidavit, that the party applying for such warrant is the bearer of a warrant of arrest or other equivalent judicial document issued by a Judge or competent Magistrate in France, authenticated in such manner as would justify the arrest of the supposed offender in France upon the same charge, or unless it shall appear to him that the acts charged against the supposed offender are clearly set forth in such warrant of arrest or other equivalent judicial document.

IV. And be it enacted, that where any person who shall have been committed under this Act, to remain until delivered up pursuant to requisition as aforesaid, shall not be delivered up pursuant thereto, and conveyed out of Her Majesty's dominions, within two calendar months after such committal, over and above the time actually required for conveying the prisoner from the gaol to which he or she was committed by the readiest way out of Her Majesty's dominions, it shall in every such case be lawful for any of Her Majesty's Judges, in that part of Her Majesty's dominions in which such supposed offender shall be in custody, upon application made to him or them by or on behalf of the person so committed, and upon proof made to him or them that reasonable notice of the intention to make such application has been given to some or one of Her Majesty's Principal Secretaries of State in Great Britain, or in Ireland to the Chief Secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty's Colonies or possessions abroad for the officer administering the Government of any such Colony or possession, to order the person so committed to be discharged out of custody, unless sufficient cause shall be shown to such Judge or Judges why such discharge ought not to be ordered.

V. And be it enacted, that if, by any law or ordinance to be hereafter made by the Local Legislature of any British Colony or possession abroad, provision shall be made for carrying into complete effect within such Colony or possession the objects of this present Act by the substitution of some other enactment in lieu thereof, then it shall be competent to Her Majesty, with the advice of Her Privy Council (if to Her Majesty in Council it shall seem meet, but not otherwise), to suspend the operation within any such Colony or possession of this present Act so long as such substituted enactment shall continue in force there, and no longer.

VI. And be it enacted, that this Act shall continue in force during the continuance of the said Convention.

An Act for facilitating Execution of the Treaties with France and the United States of America for the Apprehension of certain Offenders.

[August 8, 1845.]

6 & 7 Vict., c. 75

6 & 7 Vict., c. 76.

Any Metropolitan Police Magistrate to whom it shall have been signified that a requisition has been made to deliver up any person pursuant to the said Convention or Treaty, may issue his warrant for the apprehension of such person in any part of England.

Such person when apprehended to be brought before a police magistrate, who may order his committal.

Act to be construed with recited Acts.

Alteration of Act.

WHEREAS two Acts were passed in the seventh year of the reign of Her Majesty, severally intituled "An Act for giving Effect to a Convention between Her Majesty and the King of the French for the Apprehension of certain Offenders," and "An Act for giving Effect to a Treaty between Her Majesty and the United States of America for the Apprehension of certain Offenders;" and it is expedient to make provision for giving more immediate effect to the warrant of any one of Her Majesty's Principal Secretaries of State for the better execution of the said Convention and Treaty respectively: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, that any police magistrate of the metropolis, to whom any one of Her Majesty's Principal Secretaries of State shall have signified, by warrant under his hand and seal, that requisition has been made pursuant to the said Convention or Treaty respectively, to deliver up to justice, in terms of the said Convention or Treaty, as the case may be, any person accused of any crime rendering him liable to be so delivered up under either of the recited Acts, shall, upon such evidence as according to the laws of England would justify the apprehension of the person so accused if the crime of which he is accused had been committed in England within the jurisdiction of such magistrate, issue his warrant for the apprehension of such person, in the form annexed to this Act, or to the like effect; and such warrant may be executed in any part of England, and shall have the same force and effect throughout England as if the same had been originally issued or subsequently endorsed by a Justice of the Peace or magistrate having jurisdiction in the place where the same shall be executed, and may be lawfully executed anywhere within England by the constable or constables to whom the same shall be directed, or who shall be appointed to execute the same, who shall severally have all the powers and privileges for the execution of such warrant as any constable duly appointed hath or may have within his constablewick.

II. And be it enacted, that every person who shall be apprehended under any such warrant shall be brought with all convenient speed before the magistrate by whom such warrant shall have been issued, or some other magistrate of the same Police Court, and that such magistrate may cause the warrant of committal of such person to be drawn up according to the form given in the Schedule annexed to this Act, or to the like effect, which shall be good and sufficient in law to warrant the persons to whom the same shall be directed to detain such person in custody, as directed in the said warrant, until delivered pursuant to the Act under which he shall have been apprehended.

III. And be it enacted, that this Act shall be construed with each of the said Acts separately, and as if this Act had been enacted in each of the said Acts.

IV. And be it enacted, that this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULE to which this Act refers.

Warrant of Apprehension.

Metropolitan Police District, to wit.

To all and each of the Constables of the Metropolitan Police Force.

WHEREAS the Right Honourable one of Her Majesty's Principal Secretaries of State, by warrant under his hand and Seal, hath signified to me, that pursuant to the [Convention made between Her Majesty and the King of the French in the year one thousand eight hundred and forty-three, or the Treaty made between Her Majesty and the United States of America, in the year one thousand eight hundred and forty-two, as the case may be], for the apprehension of certain offenders, requisition hath been duly made to him for delivering up to justice A.B., late of who is charged with having committed the crime of [here specify the offence], within the jurisdiction of [His Majesty the King of the French, or the United States of America, as the case may be].

This is therefore to command you, in Her Majesty's name, forthwith to apprehend

the said *A. B.*, pursuant to an Act passed in the ninth year of the reign of Her Majesty, intituled [*here insert the title of this Act*], wherever he may be found in England, and bring him before me, or some other magistrate sitting in this Court, to answer unto the said charge, for which this shall be your warrant.

Given under my hand and seal at _____, one of the Police Courts of the metropolis, this _____ day of _____, in the year of our Lord

J. P. (L.S.)

Warrant of Committal.

Metropolitan Police District, to wit.

To *A. B.*, one of the constables of the Metropolitan Police Force, and to the Keeper of the _____ at _____.

Be it remembered, that on the _____ day of _____, in the year of our Lord _____, *A. B.*, late of _____, is brought before me, *J. P.*, one of the police magistrates of the metropolis, sitting at the Police Court in _____, within the metropolitan police district, and is charged before me, for that he the said *A. B.*, on the _____ day of _____ at _____ within the jurisdiction of [His Majesty the King of the French, or the United States of America, *as the case may be*], did [*here state the offence*]: And forasmuch as it hath been shown to me, upon such evidence as by law is sufficient to justify the committal to gaol of the said *A. B.*, pursuant to an Act passed in the seventh year of the Reign of Queen Victoria, intituled [*here insert the title of the sixth and seventh Victoria, chapter seventy-five, or sixth and seventh Victoria, chapter seventy-six, as the case may require*], that the said *A. B.* is guilty of the said offence:

This is therefore to command you, the said constable, in Her Majesty's name forthwith, to convey and deliver the body of the said *A. B.* into the custody of the said keeper of the _____ at _____; and you the said keeper to receive the said *A. B.* into your custody in the same _____ and him there safely to keep until he shall be thence delivered pursuant to the provisions of the said Act; for which this shall be your warrant.

Given under my hand and seal at _____ one of the Police Courts of the metropolis, this _____ day of _____ in the year of our Lord

J. P. (L.S.)

Correspondence respecting the Extra-
dition Treaty with France.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1866.*

CORRESPONDENCE
RESPECTING THE
SUPPRESSION
OF
ECCLESIASTICAL CORPORATIONS
IN
. ITALY.

*Presented to the House of Commons by Command of Her Majesty, in pursuance of their
Address dated July 31, 1866.*

LONDON:
PRINTED BY HARRISON AND SONS.

LIST OF PAPERS.

No.	Page
1. Mr. Elliot to the Earl of Clarendon	June 12, 1866 1
2. The President and Council of the Society of Antiquaries to the Earl of Clarendon ..	June 19, — 1
3. The Earl of Clarendon to Mr. Elliot	June 26, — 2
4. Mr. Hammond to the President of the Society of Antiquaries	June 26, — 3
5. The Marquis Camden to the Earl of Clarendon	June 24, — 3
One Inclosure.	
6. Mr. Hammond to the Marquis Camden	June 27, — 4
7. Mr. Elliot to the Earl of Clarendon	July 4, — 4
One Inclosure.	
8. Mr. Elliot to Lord Stanley	July 13, — 5
One Inclosure.	
9. Mr. Elliot to Lord Stanley	July 22, — 11
One Inclosure.	
10. Mr. Hammond to Earl Stanhope	July 27, — 12

RETURN to an Address of the Honourable the House of Commons, dated July 31, 1866;
for—

“Copy of any Communications received by the Secretary of State for Foreign Affairs from Her Majesty’s Minister Plenipotentiary at the Italian Court, upon the subject of the Statute of 7th July, for the Suppression of Ecclesiastical Corporations.”

No. 1.

Mr. Elliot to the Earl of Clarendon.—(Received June 16.)

My Lord,

Florence, June 12, 1866.

THE course that would be followed by the Chamber of Deputies with regard to the Bills for the Suppression of the Monasteries and the disposal of the ecclesiastical property was doubtful till within the last few days, when a resolution seems to have been come to to pass it with the utmost rapidity.

The closing of the general discussion, which is equivalent to agreeing to the second reading of a Bill by the English House of Commons, was decided upon almost without discussion, and the law is now being discussed clause by clause.

The first clause enacts the suppression of all religious houses and establishments belonging to religious corporations and congregations which are no longer to be recognised by the State.

An amendment excepting the Benedictine Convent of Monte Cassino from the operation of this Article was in vain proposed by M. Massari, who hoped the Chamber would not commit such an act of vandalism as to suppress an establishment which had so long excited the admiration of all Europe; but the House would scarcely even listen to him.

After a few declarations from the supporters of the Bill about it being impossible for an Italian Parliament sitting at Florence in the Hall of the Five Hundred to be supposed liable to accusations of vandalism, the amendment was summarily rejected, and Monte Cassino was consigned to the fate of the other monasteries.

One of the speakers openly avowed that the country was about to undertake a war against Austria, and meant to make it with the money of the priests, and although the Minister of Justice repudiated this sentiment, there is no doubt that it contributes much to the anxiety shown to pass the law.

I have, &c.
(Signed) HENRY ELLIOT.

No. 2.

*The President and Council of the Society of Antiquaries to the Earl of Clarendon.—
(Received June 21.)*

My Lord,

*Society of Antiquaries, Somerset House, London,
June 19, 1866.*

WE, the President and Council of the Society of Antiquaries, of London, desire to address an appeal to your Lordship on a subject on which we venture to think this ancient and venerable Society is not incompetent to speak, and not permitted to be silent.

It is generally known that the Government of the King of Italy has brought before the Legislative Chamber a measure for the suppression of monastic institutions throughout that kingdom.

We should step out of our province if we ventured to challenge the general justice or the general policy of this or of any other measure of reform which the Italian Govern-

ment may think fit to introduce, but in the interest (to use the words of our Royal Charter) "of all sorts of learning and good literature," we feel bound to express our regret that no past traditions have been held too sacred, no present services too conspicuous, to shield them from the provisions of an Act, which consigns to one common destruction the gold and the dross, the wheat and the tares, the good and the bad.

Even to those who value all the monastic institutions of Italy at the highest—it will scarcely seem invidious to those who value them at the lowest—it will scarcely seem preposterous if we venture to single out as an object worthy of special exemption the cradle of the Order of St. Benedict, the time-honoured and world-famous Monastery of Monte Cassino. Of that order it may be truly said that their sound is gone out into all lands, and their words unto the ends of the world. It was their pride to collect and their business to transcribe books which gave birth and beauty to the Renaissance; and whenever we summon up from the past an image of sound and scholar-like erudition, combined with breadth of thought and honesty of purpose, it takes the garb of the Benedictine Order.

And while these memories of a glorious past render Monte Cassino—to quote the words of the Dean of Westminster—"as much a part of the history of Europe as St. Peter's, or Cologne Cathedral, or Westminster Abbey, or Versailles, or the Piazza of St. Mark," it must not be forgotten that the monks of the present day continue, not unworthily, the traditions of their Order.

As keepers of archives and of a library among the most precious in Europe, as educators of youth, as administrators of a diocese, as industrious editors, as men of cultivated tastes, of liberal sentiments, of generous hospitality, the monks of Monte Cassino appear to us to have such eminent claims to admiration, to sympathy, to respect, that their dispersion would be a matter of deep and general regret.

As a learned Society, we deem nothing alien to us which affects the interests of learning and of literature, and we are accordingly anxious to rescue from the general fate an institution which, through long centuries to the present day, has done its utmost to foster both.

On these grounds we venture with great respect to urge upon your Lordship the propriety of communicating to the Italian Government, through Her Majesty's Minister at Florence, the earnest desire which the Society of Antiquarians of London ventures to express for the preservation of the Monastery of Monte Cassino.

We remain, &c.

Signed by the authority and in the name of the Council,
STANHOPE, *President*.

No. 3.

The Earl of Clarendon to Mr. Elliot.

Sir,

Foreign Office, June 26, 1866.

I TRANSMIT to you herewith a copy of a letter which I have received from the President of the Society of Antiquaries* appealing to Her Majesty's Government to use their influence with the Italian Government for the exemption of the Benedictine Monastery of Monte Cassino from the operation of the Bill which has been brought before the Legislative Chamber for the suppression of monastic institutions throughout Italy.

Although your despatch of the 12th instant leaves little ground for hope that any representation which can now be made to the Italian Government will have the effect of arresting the measure in question, I have, nevertheless, to instruct you to communicate to that Government the letter from the Society, and you will state that Her Majesty's Government entirely sympathize in the appeal which it contains against an act which Her Majesty's Government cannot doubt the Italian people will hereafter, and in times of less excitement than the present, look back upon, if indeed it should be carried out, with deep though unavailing regret.

I am, &c,
(Signed) CLARENDON.

P.S.—Since writing the above I have received the accompanying memorial on the same subject from the Archæological Institute of Great Britain and Ireland.

Mr. Hammond to the President of the Society of Antiquaries.

My Lord,

Foreign Office, June 26, 1866.

I AM directed by the Earl of Clarendon to acknowledge the receipt of your Lordship's letter of the 19th instant, in which, on behalf the Council of Antiquaries, you solicit the intervention of Her Majesty's Government with that of Italy to secure the preservation of the Monastery of Monte Cassino from the operation of a measure lately brought before the Legislative Chamber for the suppression of monastic institutions throughout Italy.

I am now to state to you that some time ago Lord Clarendon made, through Her Majesty's Minister at Florence, a representation as earnest as could with propriety be made by one Government to another upon its own internal affairs, and ventured to describe what the feelings of the learned and enlightened classes in this country were upon learning that Monte Cassino and some other monasteries were about to be confiscated.

Upon the 12th of this month, however, Mr. Elliot reported that the Bill for the Suppression of the Monasteries and the disposal of the ecclesiastical property was being rapidly proceeded with, and was being discussed clause by clause; that an amendment excepting the Convent of Monte Cassino from the operation of the Bill was in vain proposed by M. Massari, who expressed the hope that the Chamber would not commit such an act of vandalism as to suppress an establishment which had so long excited the admiration of all Europe; but that the amendment was summarily rejected, and Monte Cassino was consigned to the fate of the other monasteries.

Under these circumstances Lord Clarendon fears that little hope can be entertained of arresting the measure in question, but his Lordship will, nevertheless, not fail to transmit to Florence, for the purpose of its being submitted to the Italian Government, the letter of the Society which powerfully appeals to every feeling which should impel the Italian people to refrain from an act which hereafter, and in times of less excitement than the present, they will look back upon with deep though unavailing regret.

I am, &c.

(Signed) E. HAMMOND.

No. 5.

The Marquis Camden to the Earl of Clarendon.—(Received June 27.)

(Extract.)

16, Grosvenor Square, June 24, 1866.

I RECEIVED yesterday the resolution of the Committee of the Archæological Institute of which I am President, with a request that I should present it to you and ask for your kind assistance.

I believe that Mr. Beresford has already had some conversation with you on the subject.

May I, therefore, commend this Memorial to your consideration, and believe me, &c.,

(Signed) CAMDEN.

Inclosure in No. 5.

Resolutions taken by the Archæological Institute.

AT a meeting of the Central Committee of the Archæological Institute of Great Britain and Ireland, held on the 8th instant, the Honourable W. O. Stanley, M.P., Vice-President in the Chair, it was unanimously resolved,—

That this Committee, having heard with much regret that by a Bill now before the Italian Parliament the dissolution is contemplated of the Benedictine Monastery of Monte Cassino, are of opinion that it will be for the best interests of learning that this famous establishment, the most ancient of existing monasteries of the west, and one that has conferred signal benefits upon this country, should be preserved from the danger with which it is threatened.

That a copy of the above Resolution be forwarded to the Marquis Camden, K.G.,

President of the Institute, and that he be requested to do the Committee the favour of conferring on the subject with Her Majesty's Secretary of State for Foreign Affairs, and representing to his Lordship their views with respect to the contemplated dissolution, in the hope his Lordship may be induced to exercise his influence with the Italian Government for the preservation of one of the most interesting relics of the middle ages.

1, Burlington Gardens, June 21, 1866.

No. 6.

Mr. Hammond to the Marquis Camden.

My Lord,

Foreign Office, June 27, 1866.

I AM directed by the Earl of Clarendon to acknowledge the receipt of your Lordship's letter of the 24th instant, in which, as President of the Archæological Institute of Great Britain and Ireland, you inclose a Memorial from that body praying that the influence of Her Majesty's Government may be exerted with that of Italy, with a view to preserve the Monastery of Monte Cassino from the operation of a measure lately brought before the Legislative Chamber for the suppression of Monasteries throughout Italy.

I am now to state to you that some time ago Lord Clarendon made, through Her Majesty's Minister at Florence, a representation as earnest as could with propriety be made by one Government to another upon its own internal affairs, and ventured to describe what the feelings of the learned and enlightened classes in this country were upon learning that Monte Cassino and some other monasteries were about to be confiscated.

Upon the 12th of this month, however, Mr. Elliot reported that the Bill for the Suppression of the Monasteries was being rapidly proceeded with, and was being discussed in the Chamber clause by clause; that an amendment, excepting the Convent of Monte Cassino from the operation of the Bill was in vain proposed by M. Massari, the amendment being summarily rejected, and Monte Cassino was consigned to the fate of the other monasteries.

Under these circumstances, Lord Clarendon fears that little hope can be entertained of arresting the measure in question, but his Lordship will, nevertheless, not fail to transmit to Florence for the purpose of its being submitted to the Italian Government, the Memorial of the Archæological Institute.

I am, &c.
(Signed) E. HAMMOND.

No. 7.

Mr. Elliot to the Earl of Clarendon.—(Received July 13.)

My Lord,

Florence, July 4, 1866.

I HAVE the honour to inclose herewith a copy of the note in which, according to the instructions contained in your Lordship's despatch of the 26th ultimo, I communicated to the Italian Government the letters of the Society of Antiquaries, and of the Archæological Society of Great Britain and Ireland, urging Her Majesty's Government to use their influence to procure the exemption of the Benedictine Monastery of Monte Cassino from the operation of the law for the suppression of the monastic establishments in Italy.

I have, &c.
(Signed) HENRY ELLIOT.

Inclosure in No. 7.

Mr. Elliot to M. Venosta.

M. le Ministre,

Florence, July 3, 1866.

HER Majesty's Government have received letters from the President of the Society of Antiquaries and from the Archæological Institute of Great Britain and Ireland, appealing to them to use their influence with the Italian Government for the exemption of the Benedictine Monastery of Monte Cassino from the operation of the law which has passed the Chamber of Deputies for the suppression of the monastic institutions.

Her Majesty's Government while disclaiming any wish to interfere in the internal affairs of this country, have instructed me to communicate these letters to the Italian Government, stating that they entirely sympathise in the appeal they contain against an act which Her Majesty's Government cannot doubt the Italian people will hereafter, and in times of less excitement than the present, look back upon with deep and unavailing regret.

In transmitting the inclosed copies of these letters to your Excellency, I cannot but express the hope that the general feeling of regret which has been excited by the proposed suppression of this establishment of world-wide reputation may be taken into consideration, and that an exception may be made in its favour, and I avail, &c.

(Signed) HENRY ELLIOT.

No. 8.

Mr. Elliot to Lord Stanley.—(Received July 17.)

My Lord,

Florence, July 13, 1866.

I HAVE the honour to transmit herewith to your Lordship a translation of the Law for the Suppression of Religious Corporations throughout the Kingdom of Italy, which received the Royal assent on the 7th instant.

I have, &c.
(Signed) HENRY ELLIOT.

Inclosure in No. 8.

Decree for the Suppression of Religious Corporations.

(Translation.)

IN virtue of the authority delegated to us, having considered the Law of June 28, 1866, No. 2,987, by which His Majesty's Government has the power of publishing and carrying out as law the resolutions already voted by the Chamber of Deputies respecting religious corporations and ecclesiastical revenues; having heard the Council of Ministers; on the proposition of our Keeper of the Seals, Minister of State for Affairs of Grace, Justice, and Religion, in concert with the Minister of Finance;

We have decreed and do decree:

Article 1. The orders, corporations, and religious congregations, regular and secular, and the asylums and retreats which imply communal life and have an ecclesiastical character, are no longer recognized by the State.

The houses and establishments belonging to the above-mentioned orders, corporations, congregations, asylums, and retreats are suppressed.

Art. 2. The members of the orders, corporations, and religious congregations, asylums, and retreats will enjoy from the day of the publishing of the present Law full participation in all civil and political rights.

Art. 3. To the monks and nuns who previous to January 18, 1864, had made in the State regular profession of solemn and perpetual vows, and who at the date of the publishing of this law belong to religious houses existing in the kingdom, there is granted an annual pension:—

1. To the priests and to the choral nuns belonging to orders possessing property, if on the day of the publication of the present Law they shall have completed 60 years of age, 600 francs (lire) annually.

480 francs if they are from 40 to 60 years of age.

360 francs if they are less than 40 years of age.

2. To the laymen and novices of the orders possessing property :—
 300 francs to those 60 years old and upwards.
 240 francs to those from 40 to 60 years old.
 200 francs to those under 40 years of age.
3. To the priests and choral nuns of mendicant orders, 250 francs.
4. To the laymen and novices of mendicant orders :—
 144 francs to those 60 years old and upwards.
 96 francs if under 60 years of age.

To the monks and nuns who, previous to January 18, 1864, had made in the State regular profession of solemn and temporary religious vows, and who up to the date of the publication of the present Law continued and still continue to belong to religious houses existing in the kingdom, is granted the annual pension allowed to laymen and novices mentioned in categories 2 and 4, according to the nature of the order.

To servants of both sexes who have been attached during ten years to a convent existing within the kingdom, will be granted once for all a gratuity of 100 francs; to those who have been attached for a shorter period, but anterior to January 18, 1864, a gratuity of 50 francs.

4. The monks of the orders who at the period of the passing of this Law can prove themselves to be suffering from serious and incurable infirmities which debar them from every sort of occupation, will have a right to the maximum of the pension established, according to the distinctions made in categories 1 and 2 of the preceding Article.

Those belonging to mendicant orders who are similarly circumstanced will have a right to an annual pension of 400 francs.

Art. 5. The nuns comprised in Article 3, who, at the time of their entering religious establishments, brought a dowry to the convent, will be permitted to choose between the pension above-mentioned, and a life pension regulated according to the capital paid and to their age, in accordance with the rates of Table A, appended to the Law, and approved by the above-mentioned Keeper of the Seals by our order.

To nuns who have made their regular profession since January 18, 1864, the dowries will be restored if they have been incorporated in the patrimony of the establishment.

Art. 6. To nuns who may make special and individual requests within three months from the date of the publication of this Law, will be granted permission to continue to live in the establishment, or in a part thereof which will be assigned to them by the Government.

Nevertheless, when they are reduced to six in number they may be concentrated in another establishment.

The Government can also, if requisite for the exigencies of order and of the public service, effect the said concentration at any time, by a Royal Decree, after consultation with the Council of State.

Art. 7. The pensions, according to Article 3, will commence from the day the monasteries are taken possession of, which is not to be delayed beyond December 31, 1866.

If the revenue of the fund for religious worship be insufficient to satisfy immediately the charges of Nos. 1 and 2 of Article 28, the administration thereof is authorized to contract a loan for the deficiency, to be repaid from the surplus which shall accrue from year to year.

Art. 8. Whenever the members of the suppressed corporations obtain an office which involves a charge on the revenue of the parishes, provinces, the State, or the funds for religious worship, or the monks obtain a benefice or income from the performance of religious services, the pension will be diminished by a sum equal to one-half the new income during the continuance of the office.

Art. 9. The pensions already definitively granted to monks and nuns in pursuance of the laws of suppression promulgated in some of the provinces of the Kingdom, remain undisturbed; those not definitively assigned will be regulated by the former laws; at all events, the members of religious houses already suppressed, when their pension reaches the maximum established by this Law, will have no right to the augmentation conceded by former laws; in every case the right to augmentation is settled under the provisions of the present Law.

Art. 10. The pensions given by this and the preceding Laws of Suppression cannot be claimed by those who live out of the territory of the State without the consent of the Government. The amounts forfeited during a residence abroad will be appropriated to the fund for religious worship.

Art. 11. Saving the exceptions contained in the following Articles, all the property, of whatever kind, belonging to the corporations suppressed by the present or former laws,

or to any titular thereof, has devolved upon the State domain, with an obligation to inscribe in favour of the fund for religious worship a revenue of 5 per cent. from the day of taking possession, equal to the revenue ascertained and subjected to the payment of the mortmain tax, 5 per cent. being deducted for expenses of administration.

The real property belonging to any other ecclesiastical institution ("ente morale") excepting that appertaining to parochial benefices, and to the "ricettizie" churches, will be appropriated by the State, with an inscription in favour of the institutions to which the property belongs of a return of 5 per cent., equal to the return ascertained and subjected to the payment of the mortmain tax as aforesaid.

Should there be property, the income of which has not been declared and has escaped the notice of the financial agents in applying the mortmain tax, the income thereof is to be determined according to the rules established by the Law of April 21, 1862, as respects the property of the institutions not suppressed, and by means of valuation in the case of the suppressed corporations.

The charges upon such property as does not imply joint possession ("condominio") shall be understood to be transferred with the rights and privileges appertaining to it to the income as above inscribed.

A special law will provide as to the mode of alienating the property transferred to the State by the operation of the present Law.

Art. 12. The taking possession will be carried out according to the rules to be laid down in a regulation approved by His Majesty on a proposition of the Minister of Grace, Justice, and Religion, and of the Minister of Finance.

Art. 13. The superiors and administrators of the religious houses and of the regular and secular corporations and congregations, of the asylums and retreats, as well as the superiors and administrators of the other institutions, are to report to the Delegate on his taking possession, within the term of fifteen days from the publication of the present Law, the existence of the institution and the members belonging thereto at the time of the suppression, indicating the date of their profession or of their being taken into service, and also the age of each member; and they shall notify all the property, real and personal, and all the debts and credits belonging thereto.

They shall furthermore be present at the taking of the inventories, and shall produce any other documents required by the agents charged with the execution of the present law.

Refusal or remissness in executing these demands, the alteration or falsification of the information required, any subterfuge, the concealment of any object or document appertaining to the religious houses, congregations, or other institutions above-mentioned, will be punished by a fine of from 100 to 1,000 francs imposed upon the offender and his accomplices, in addition to the loss of the allowance, pension, or benefit, or of the portion of property which may pertain to the offender himself, besides any other punishment which may be inflicted under the existing laws.

Art. 14. Independently of the reports mentioned in the preceding Article the agents charged with the execution of the law can take definitive possession of all the property belonging to the institutions included in its operation, and when the representative of the institution does not give his assistance, the intervention of the prætor or his deputy shall be substituted, and failing this, the syndic or his deputy.

Art. 15. Those whose duty it is to take possession are to be looked upon as agents of a public administration. Resistance or violence offered to them will be punished according to the circumstances and the terms of the existing penal laws.

Art. 16. In any differences that may arise respecting the application of the law or laws to any body or institution, or as to the devolution or division of the property, the possession thereof shall always be given to the domain as long as it is not otherwise provided for according to particular cases, either by the Government or by the competent tribunals.

Art. 17. The leases of real property which have devolved upon the domain according to Article 11, will not be maintained if they have been fraudulently made.

Fraud is to be presumed if the rental is a fourth lower than the known value, or than what has been paid by former tenants.

The payment of rent in anticipation cannot be adduced to the contrary, unless it has been done in conformity with local customs.

Art. 18. The following are excepted from devolution to the State domain, and from conversion:—

1. Buildings for worship which shall be kept for that purpose, with the pictures, statues, moveables, and sacred furniture that are found therein.

2. The episcopal residences, the buildings of the seminaries, and all edifices serving

as habitations for the officers of the institutions, together with the kitchen-gardens, grounds, and courts annexed to them, and the buildings serving for the habitations of nuns, as long as their temporary use shall be granted to them.

3. The buildings of the suppressed convents which are provided for by Articles 20 and 21.

4. The property of lay chaplaincies and of the benefices of lay or mixed patronage.

5. The furniture and the necessary effects for the personal use of every member of the suppressed corporations.

6. The books, manuscripts, scientific documents, archives, objects of art, moveables for worship, pictures, statues, and sacred furniture which are found in the edifices belonging to the suppressed religious corporations, the destination of which is provided for in Article 24.

7. The buildings, with their appurtenances and their furniture, mentioned in Article 33.

The agents of the public administration will notwithstanding take possession at the period fixed by Article 4, also of the buildings serving as habitations for the nuns, and of the property mentioned in Nos. 3, 6, and 7 of this Article.

Art. 19. The whole of the moveable property, or all that exists at the time of the consignment, and all or that part of the public income inscribed according to the preceding Article 11, and corresponding to the property which would legitimately be destined to the cure of invalids or to elementary and secondary public instruction, will devolve on the communes in which the suppressed religious houses exist.

In order to obtain this devolution the communes must make the demand within five years from the publication of the present Law, and they must preserve the property to the destined object, or substitute an equivalent with the consent of Government, under penalty of forfeiture in favour of the fund for worship; and take upon themselves besides the obligations inherent upon the property itself, and the payment to the fund for worship of the pensions due to the members of the suppressed houses or establishments, in proportion to the property which comes to them.

Art. 20. The buildings of the convents suppressed by this and preceding laws, when evacuated by the monks, shall be conceded to the communes and the provinces, if it should be demanded within the term of one year from the publication of this Law, and if the necessity be proved of having schools, infant asylums, workhouses, hospitals, and other charitable establishments by the report of the said communes and provinces.

With respect to the houses intended for the residence of the nuns, according to Article 6, the term for making the demand will reckon from the date at which they become empty.

These concessions will not apply to those buildings which at the date of the publication of this Law shall be in the occupation of the Government for the public service, or that can be adapted for prisons.

Those parts of the buildings which are producing rent are excluded from these concessions. The communes and provinces can, however, obtain the concession of such parts by taking the responsibility of paying the same rent redeemable at 5 per cent.

Art. 21. The monastic edifices destined to the uses indicated in the preceding Article, and already conceded in execution of anterior laws of suppression shall become definitively the property of the State, of the communes, and of the provinces.

From the 1st of January, 1867, no further tax or annual rent shall be paid but those stipulated for in the concessions, except the obligations assumed on the occasion of the concession or those inherent on the conceded edifices.

Art. 22. The revenue inscribed in the Great Book, in respect of the property of the corporations suppressed in accordance with this Law, which may, in case of suppression, be subject by express stipulation to reversibility in favour of private individuals, or to devolution in favour of communes or other institutions not ecclesiastical, shall be consigned to those having a right thereto, deducting from it a proportionate part of the taxes, burdens, and debts of all kinds to which the property is subject, as well as the life pensions to the members of the religious corporations.

As these pensions fall in, the above-mentioned net revenue shall be gradually raised in proportion. Those who have the right, and in whose favour the devolution is effected, shall also be bound to pay whatever debts there may be against the institution in proportion to the revenue which they receive, capitalized at 5 per cent.

In no case can that property devolved on the communes by the Article 19 be reversible or capable of transfer.

Art. 23. The rights of devolution or of reversibility reserved by this and the preceding laws of suppression, and those which may have already accrued from causes diverse from

this present Law, should be put in force, under penalty of forfeiture, within the term of five years from the publication of the present Law.

Art. 24. The books and manuscripts, scientific documents, archives, monuments, objects of art or precious from their antiquity, which may be found in the buildings belonging to the religious establishments and other institutions affected by this or previous laws of suppression, will devolve on the public libraries or museums in the respective provinces, by virtue of a decree of the Minister of Worship, with the previous concurrence of the Minister of Public Instruction.

The pictures, statues, ornaments, and furniture used for religious purposes will be preserved for the use of the churches in which they are.

Art. 25. The fund for religious purposes consists of the revenues and properties granted to it by this Law, and of the revenue and property which in virtue of previous laws have already devolved on the ecclesiastical fund, or have been specially devoted to the services and costs of religion.

Art. 26. The said fund will be administered under the direction of the Minister of Grace and Justice by a Director, assisted by a Council of Administration, all nominated by Royal Decree.

A Commission of Supervision, composed of three Senators and three Deputies, elected every year by the respective Chambers, and of three members appointed on the nomination of the Minister of Worship, by the King, who will also appoint the President, will have the supreme inspection of the proceedings respecting the fund for worship, and will annually present a report thereon to the King, which will be distributed to Members of Parliament.

To this Commission will be submitted the estimates, the accounts annually rendered by the administration of the fund for worship, a statement of the pensions paid and of those still existing, or which have ceased during the course of the year, and a notification concerning the edifices and public revenues which may have been handed over to the parishes, provinces, or to others entitled thereto according to this Law.

Art. 27. The administration of the fund for religious purposes will superintend the taking possession, and provide for the liquidation and payment of the pensions and allowances which have been granted by the present Law, and for the division and consignment of the revenues and estates, for the preservation and restitution of the property moveable and immovable, the use of which is granted to existing officials of the suppressed religious institutions.

Art. 28. There shall be paid at the charge of the fund for worship, in the following order, and in proportion to the available funds:—

1. The charges inherent on the properties which have passed over to the public domain and been transferred to the public revenues, in accordance with Article 11, and those charges also which fall upon the ecclesiastical fund.

2. The pensions of the members of the orders and of the religious corporations, in accordance with this and with the previous laws of suppression.

3. All the charges which burden the State budget for the expenses of the Catholic religion.

4. A supplementary allowance to those priests who, including their casual sources of income calculated on an average of three years, have an annual income of less than 800 francs. The parishes which contain less than 200 inhabitants, unless there are peculiar and influential circumstances of place and communication, may be excluded either wholly or in part from the above-mentioned supplementary allowance.

5. The charges which the different laws of the kingdom impose on the provinces or parishes for religious purposes, in so far as they do not proceed from the right of patronage, of joint contracts, or are not the consideration or condition of concessions made by the Government, by a body or institution, or by private individuals.

Art. 29. No debts or other liabilities will be recognised unless they have been contracted according to the rules and regulations in force in each place or for each body or institution suppressed, or if the respective claims were not duly acknowledged prior to the 18th January, 1864, unless it can be proved that the monies were applied to the advantage of the patrimony of the suppressed body.

The debts contracted for the expenses of the establishment during the last year are excepted from this rule, in so far as they are reasonable, and corresponding to the wants or the annual income of each body or institution, as proved either by the registers kept by such bodies, or from the books of the tradesmen who supplied them.

These last debts must be declared to the authorities delegated to take possession of the property, within six months from the publication of the present Law, otherwise they will be forfeited.

Art. 30. For the payment of the debts and of any other liabilities of the bodies suppressed, the fund for church purposes, the provinces and the communes will not be obliged to provide a larger sum than that resulting either from the net revenue certified at the time of taking possession, or from the capital produced by the 5 per cent. of the same revenue.

Art. 31. There shall be imposed upon the ecclesiastical bodies and institutions which are retained, and upon the property or emoluments of the present officials of the suppressed bodies, a concurrent quota in favour of the ecclesiastical fund in the following proportions:—

1. Parochial benefices, upon the net income of any kind or from any source exceeding 2,000 francs, at the rate of 5 per cent. up to 5,000 francs; from 5,000 to 10,000 francs, 12 per cent., and 20 per cent. upon any net revenue beyond this sum.

2. Seminaries and wardships on a net income exceeding 10,000 francs, at the rate of 5 per cent.; from 15,000 to 25,000 francs, 10 per cent.; and above this, 15 per cent.

3. Archbishoprics and bishoprics, at the rate of one-third of the net revenue exceeding 10,000 francs; the half of the excess over 20,000 francs; two-thirds of the excess over 30,000 francs; and the whole excess over 60,000 francs.

Abbeys, canonical and simple benefices, works of spiritual exercise, sanctuaries, and any other benefice or establishment of an ecclesiastical nature, or for the purposes of worship, not comprised in the preceding paragraphs, on the net incomes derived from any source, above 1,000 francs, according to No. 1 of the present paragraph.

The liquidation, the establishment, and the collection of the concurrent quota will be based upon the rules in force respecting the mortmain tax; besides the inferences therein determined, no other will be admitted than that of the mortmain tax.

Art. 32. The real property which the institutions recognized by the present Law may acquire, according to the rules laid down in the Law of June 5, 1850, No. 1,037, or by compensation in cases of forced expropriation, and those which shall cease to be put to any of the uses contemplated in Article 28, shall be converted into public revenue according to the provisions of Article 11.

Art. 33. The Government will be careful to preserve the edifices with their appurtenances, libraries, archives, objects of art, scientific instruments, and the like, belonging to the Abbeys of Monte Cassino, the Cava dei Tirreni, San Martino della Scala, Monreale, the Carthusians near Pavia, and other similar ecclesiastical establishments distinguished by their monumental importance, and by the possession of literary and artistic treasures.

The expense of keeping them up will be at the charge of the ecclesiastical fund.

Art. 34. The provisions of the Law of August 10, 1862, No. 743, will continue in force in the Sicilian provinces. The operations of assessment will be conducted in the interests of the domains.

Art. 35. To each commune is assigned a fourth part of the inscribed revenue corresponding with the property of the religious bodies suppressed by the present and the previous laws in the same commune, with the deduction of the debts and liabilities chargeable upon the revenue itself. The communes will be obliged, under pain of forfeiture to the ecclesiastical fund, to employ the fourth part above-mentioned in works of public utility, and especially in public instruction.

This fourth part will be given to the communes in proportion as, the pensions falling in, the debt of the ecclesiastical fund contracted under Article 7 shall have been paid off, and there shall be a surplus of the revenue of the fund destined to pay the pensions of the monks and nuns.

To the communes of Sicily this fourth part will be given from the 1st of January, 1867, but with the obligation to pay the fourth part of the pensions due to the monks of the island, and transferring to the profit of the communes themselves whatever may result from the reduction of the pensions.

The other three parts of the surplus which will accrue to the revenue of the ecclesiastical fund by the extinction of the pensions, and after payment of the debt contracted according to Article 7, shall devolve upon the State.

From the fourth part above-named will be excepted the revenues of the ecclesiastical edifices mentioned in Article 33, which edifices are to be maintained at the expense of the ecclesiastical fund.

Art. 36. The credits appertaining to the suppressed religious corporations are abolished which were placed at the charge of the State for the relief of the Sicilian communes by the Prodictatorial Decree of the 17th October, 1860, revoked by Royal Decree of the 29th April, 1863, No. 1,223.

These credits will not be reckoned in every case of transfer or of partition which has been established by this Law.

Art. 37. The ecclesiastical Treasury ("La Cassa Ecclesiastica") will be suppressed on the publication of this Law.

The persons employed therein will retain the rights granted to them by the fundamental laws of the Ecclesiastical Treasury, and will enjoy at the expense of the fund for religious purposes the temporary arrangement provided in Articles 13, 14, and 15 of the Law on disponibility and expectation, of October 11, 1863, No. 1,500.

The year of grace mentioned in Article 13 of the said Law will commence from the date of the publication of the present Law.

The said persons will, however, be required to render service in the offices to which they may be attached by the Government, under the penalty of losing their official quality and their stipend.

As long as they shall be attached to some office they will retain their present stipend.

Art. 38. In the ancient provinces the Law of May 29, 1855, No. 878; in the Marches, the Decree of January 3, 1861, No. 705; in Umbria, the Decree of December 11, 1860, No. 168; and in the Neapolitan provinces, the Decree of February, 17, 1861, are still to remain in force, in so far as they are not contrary to the present Decree.

We order that the present Decree, provided with the seal of the State, be inserted in the official collection of the Laws and Decrees of the Kingdom of Italy; commanding all whom it concerns to observe it, and to cause it to be observed.

Given at Florence, July 7, 1866.

(Signed)

EUGENE OF SAVOY.

(Countersigned)

BORGATTI.
SCIALOJA.

TABLE A.

(Pensions for Life, Article 5.)

Age up to 30 years	..	..	..	..	..	6 per cent.
" 30 to 35 "	..	..	..	..	..	6½ "
" 35 to 40 "	..	..	..	..	..	7 "
" 40 to 45 "	..	..	..	..	..	7½ "
" 45 to 50 "	..	..	..	..	..	8½ "
" 50 to 55 "	..	..	..	..	..	9½ "
" 55 to 60 "	..	..	..	..	..	10½ "
" 60 to 65 "	..	..	..	..	..	12½ "
" 65 to 70 "	..	..	..	..	..	16 "
" 70 to 75 "	..	..	..	..	..	22 "
" 75 to 80 "	..	..	..	..	..	28 "

Approved, by order of His Royal Highness.

(Signed)

BORGATTI.

No. 9.

Mr. Elliot to Lord Stanley.—(Received July 27.)

My Lord,

Florence, July 22, 1866.

I HAVE the honour to transmit herewith to your Lordship a copy of the reply which I have received from M. Visconti Venosta to the appeal in favour of the Benedictine Monastery of Monte Cassino, which I had made in obedience to the instructions conveyed to me by the Earl of Clarendon in his despatch of the 26th ultimo.

A representation signed by many of the most important men in the country has likewise been made to the Italian Government on behalf of this establishment, which will be preserved as far as is possible without directly excepting it from the operation of the late Act for the Suppression of the Religious Corporations.

I have, &c

(Signed)

HENRY ELLIOT.

Inclosure in No. 9.

M. Cerruti to Mr. Elliot.

M. le Ministre,

Florence, le 21 Juillet, 1866.

A LA réception de votre office du 3 courant je n'ai pas manqué de communiquer au Ministre de la Justice et des Cultes les lettres adressées au Gouvernement de Sa Majesté Britannique par le Président de la Société des Antiquaires et par l'Institut Archéologique de la Grande Bretagne et Irlande, exprimant le vœu que le Monastère des Bénédictins de Monte Cassino fût excepté de la suppression décrétée récemment pour tous les ordres religieux du Royaume d'Italie.

Mon collègue me répond aujourd'hui qu'il ne serait pas en son pouvoir de modifier la Loi qui a été promulguée le 8 de ce mois en admettant une exception en faveur du dit ordre, exception qui avait d'ailleurs déjà été repoussée par la Chambre des Deputés lors de la discussion du cet important projet; mais que l'Article 33 de la même Loi, dont vous trouverez ci-joint un extrait, a pourvu à la conservation du monastère susdit comme monument artistique, et que le Gouvernement du Roi ne manquera pas de se prévaloir de la latitude qui lui est laissée pour préserver de tout dommage les monuments que renferme l'Abbaye de Monte Cassino.

Ainsi le vœu que le Gouvernement de Sa Majesté Britannique a bien voulu appuyer par votre organe, M. le Ministre, sera satisfait par le Gouvernement Italien pour autant que cela pourra se concilier avec les dispositions de la loi qu'il est appelé à exécuter.

En vous priant de porter cette réponse à la connaissance de votre Gouvernement, j'ai, &c.

(Signé)

M. CERRUTI.

(Translation.)

M. le Ministre,

Florence, July 21, 1866.

ON receipt of your note of the 3rd instant, I did not fail to communicate to the Minister of Justice and of Public Worship the letters addressed to Her Britannic Majesty's Government by the President of the Society of Antiquaries and by the Archæological Institute of Great Britain and Ireland, expressing their hope that the Benedictine Monastery of Monte Cassino might be excepted from the suppression recently decreed of all the religious orders of the Kingdom of Italy.

My colleague replies to me to-day that it is not in his power to modify the law which was promulgated on the 8th instant by admitting an exception in favour of the said order—an exception, moreover, which has been already rejected by the Chamber of Deputies on the discussion of this important project; but the 33rd Article of the same Law, an extract from which you will find herewith, has provided for the preservation of the above-named Monastery as an artistic monument, and that the King's Government will not fail to avail itself of the discretion which is left to it to preserve from all injury the monuments contained in the Abbey of Monte Cassino.

Thus the desire that Her Majesty's Government has supported through you, M. le Ministre, will be satisfied by the Italian Government as far as can be done consistently with the dispositions of the law which the Government is called upon to execute.

Requesting you to bring this reply to the notice of your Government, I have, &c.

(Signed)

M. CERRUTI.

No. 10.

*Mr. Hammond to Earl Stanhope.**

My Lord,

Foreign Office, July 27, 1866.

I AM directed by Lord Stanley to state to your Lordship, for the information of the Society of Antiquaries, that it appears by the reply which Her Majesty's Minister at Florence has received to the representations which he was directed to make to the Italian Government in favour of the Benedictine Monastery of Monte Cassino, that although it is impossible to exempt that establishment from the operation of the recent Law for the suppression of the conventional establishments, yet a provision of that Law will admit of the Government taking measures for the preservation of the monastery as an artistic monument, and that all that is possible will be done to save the monuments contained in it from injury.

I am, &c.

(Signed)

E. HAMMOND.

* A similar letter was addressed to the Marquis Camden.

ITALY.

Correspondence respecting the Suppression of Ecclesiastical Corporations in Italy.

Presented to the House of Commons by Command of Her Majesty, in pursuance of their Address dated July 31, 1856.

JAPAN. No. 1. (1866.)

CORRESPONDENCE

RESPECTING

A F F A I R S I N J A P A N :

1865—66.

Presented to both Houses of Parliament by Command of Her Majesty.
1866.

LONDON:
PRINTED BY HARRISON AND SONS.

TABLE OF CONTENTS.

No.	Date.	SUBJECT.	Page
1. Earl Cowley ..	Jan. 6, 1865	Opinion of French Government as to Japanese indemnity ..	1
2. To Earl Cowley ..	12,	Will consult Sir R. Alcock ..	1
3. Sir R. Alcock ..	Dec. 23, 1864	State of affairs. Laws formerly regulating intercourse with foreigners ..	2
4. " " ..	31,	Visit to Shimonasaki ..	5
5. Mr. Winchester ..	Jan. 16, 1865	State of affairs. Projected expedition of Daimios against Choshu ..	5
6. " " ..	30,	Proceedings respecting alleged illicit trade with Choshu ..	6
7. To Sir F. Bruce ..	Mar. 30,	To inquire opinion of United States' Government as to Japanese indemnity ..	8
8. To Sir H. Parkes..	April 8,	Instructions on proceeding to Japan ..	8
9. " " ..	8,	Japanese indemnity. Have referred to United States' Government ..	9
10. Mr. Winchester ..	Feb. 15,	Proceedings of Daimios against Choshu. As to opening of Hiogo ..	9
11. To Mr. Winchester	April 24,	New Order in Council will provide against illicit trading ..	10
12. Mr. Winchester ..	Feb. 28,	Rumours as to opening of Hiogo. Proposed visit to Yeddo ..	10
13. To Mr. Winchester	May 4,	Approve proceedings ..	12
14. Mr. Winchester ..	Mar. 30,	Internal condition of Japan ..	12
15. " " ..	April 8,	Reply from Gorogio as to residence at Yeddo ..	13
16. " " ..	12,	Decision of Japanese Government as to indemnity and Convention of October 22, 1864 ..	14
17. " " ..	13,	State of affairs ..	17
18. To Earl Cowley ..	June 21,	Japanese indemnity. Consider the whole should be paid in 1866 ..	17
19. Earl Cowley ..	27,	French Government concur ..	17
20. Sir J. Milbanke ..	28,	Views of Dutch Government ..	17
21. To Sir F. Bruce ..	July 1,	Indemnity. Forwarding copy of No. 19 ..	18
22. Mr. Winchester ..	April 25,	Meeting of foreign Ministers to consider indemnity question. Note to Gorogio ..	18
23. " " ..	26,	Satisfactory state of affairs ..	20
24. To Sir F. Bruce ..	July 12,	Views of Her Majesty's Government as to indemnity, and terms on which its amount might be modified ..	20
25. To Earl Cowley ..	13,	Same as foregoing ..	21
26. Sir J. Milbanke ..	10,	Interview with M. Cremers as to affairs in Japan ..	22
27. Mr. Winchester ..	May 9,	Neutrality Ordinance required ..	23
28. " " ..	11,	State of affairs respecting Choshu and opening of ports. Interviews with Governor for Foreign Affairs ..	23
29. " " ..	13,	Continued tranquil state of foreign relations ..	29
30. Sir J. Milbanke ..	July 17,	Further interview with M. Cremers. Opinion of Dutch Government as to opening ports ..	29
31. To Mr. Winchester	24,	Instructions respecting indemnity and opening ports ..	29
32. " " ..	26,	Substance of a despatch from M. Drouyn de Lhuys to the French Ambassador in London, respecting indemnity and opening ports ..	30
33. Sir J. Milbanke ..	26,	Note from M. Cremers. Instructions in conformity with the views of Her Majesty's Government sent to Dutch Minister in Japan ..	31
34. To Sir F. Bruce ..	29,	Forwarding copy of No. 31 ..	32
35. To Mr. Winchester	Aug. 2,	Forwarding copies of Nos. 26 and 33 ..	32
36. Mr. Winchester ..	May 26,	Interview with Vice-Minister. Mission going to Europe ..	32
37. " " ..	June 10,	The Tycoon about to march against Choshu. Questions as to navigation of the Straits of Shimonasaki. Instructions as to indemnity and opening ports ..	36
38. To Sir H. Parkes..	Aug. 23,	Conference of Foreign Ministers respecting affairs of Inland Sea. Notification prohibiting illicit trade ..	38
39. Mr. Winchester ..	June 23,	Yeddo merchants called upon for contributions ..	46
40. " " ..	26,	Approval of proceedings ..	47
41. To Mr. Winchester	Aug. 30,	Arrival at Nagasaki. State of affairs there ..	47
42. Sir H. Parkes ..	June 30,		

No.	Date.	SUBJECT.	Page
43. Sir F. Bruce	Aug. 25, 1865	United States' Government concur in views of Her Majesty's Government	48
44. Sir H. Parkes	July 12,	Visit to Inland Sea	48
45. To Sir H. Parkes.. ..	Sept. 30,	Instructions as to neutrality and illicit trading	49
46. Sir H. Parkes	Aug. 10,	Japanese intend to proceed against illicit traders. Consequent proceedings	49
47. " "	11,	Report on state of affairs	51
48. Mr. Grey	Oct. 14,	Despatch from Mr. Bigelow. Instructions received by him	52
49. " "	17,	Interview with M. Drouyn de Lhuys respecting Mr. Bigelow's communication	53
50. To Mr. Grey	21,	Propose to await Sir H. Parkes' report before taking further steps	53
51. Mr. Grey	23,	Mr. Bigelow informed accordingly	54
52. To Mr. Grey	27,	Will discuss question of distribution of indemnity at Paris if required	54
53. Sir H. Parkes	Aug. 25,	Payment of first instalment of indemnity	54
54. " " " "	26,	Intelligence from Inland Sea	56
55. To Sir H. Parkes.. ..	Nov. 2,	Approve proceedings	57
56. Sir H. Parkes	Sept. 12,	Visit to Yeddo. State of affairs	57
57. " "	12,	Completion of payment of first instalment of indemnity	58
58. Mr. Grey	Nov. 16,	Interview with M. Drouyn de Lhuys. His views as to indemnity	59
59. To Mr. Grey	22,	Opinion of Her Majesty's Government upon the questions at issue	59
60. Sir H. Parkes	Sept. 29,	Interviews with Gorogio. As to ratification of Treaties by the Mikado	60
61. " "	30,	Relinquishment of monopolies on sharks' fins, iriko, and awabi	60
62. " "	30,	Assassin at Nagasaki not yet captured. Punishment inflicted in another case	61
63. To Sir H. Parkes.. ..	Dec. 5,	Approve proceedings respecting monopolies	63
64. " " " "	6,	Nagasaki assassin should be punished	63
65. To Mr. Grey	12,	Treasury prepared to receive first instalment of indemnity	63
66. Sir H. Parkes	Oct. 30,	Conference with foreign Ministers respecting indemnity and opening ports. Proposal to proceed to Osaka Bay	63
67. " "	31,	Report of a visit paid by Mr. Schmid to Goto Islands	68
68. To Earl Cowley	Dec. 30,	Copy of No. 66 for communication to French Government	71
69. To Sir H. Parkes.. ..	Jan. 1, 1866	Approve Mr. Schmid's proceedings	72
70. " " " "	1,	Approve intention to proceed to Osaka Bay	72
71. To Earl Cowley	1,	Instructions as to distribution of indemnity	72
72. Sir H. Parkes	Nov. 14, 1865	Concurrence of foreign Ministers in views of Her Majesty's Government as to opening ports, &c. Proceedings at Hiogo	74
73. Earl Cowley	Jan. 4, 1866	Has communicated opinion of Her Majesty's Government as to distribution of indemnity	75
74. Sir H. Parkes	Nov. 17, 1865	Further report of proceedings at Hiogo	75
75. Earl Cowley	Jan. 13, 1866	Concurrence of French Government	78
"6. " "	22,	Letter from Mr. Bigelow respecting distribution of indemnity	79
77. Sir H. Parkes	Nov. 25, 1865	Result of negotiations. Notification issued	80
78. " " " "	25,	Services rendered by Admiral King and his squadron..	81
79. " " " "	28,	Detailed report of negotiations	82
80. " " " "	Dec. 8,	Visit to Inland Sea	86
81. Sir H. Parkes	Feb. 5, 1866	Satisfaction at success of negotiations. Entire approval of his proceedings	87

Correspondence respecting Affairs in Japan: 1865—66.

No. 1.

Earl Cowley to Earl Russell.—(Received January 7.)

My Lord,

Paris, January 6, 1865.

THE Prince de la Tour d'Auvergne, who has been instructed to communicate with your Lordship upon the subject, will no doubt have informed you that M. Drouyn de Lhuys, as at present advised, would prefer the payment of an indemnity by the Japanese Government to the opening of the port of Shimonasaki, the alternative being left to the Tycoon to propose by the Convention of the 22nd October.

His Excellency observed to me in the first place that Shimonasaki was no port at all, but an open roadstead, not always safe; secondly, that the port of Osaka, not a great way off, must, according to Treaty, soon be opened; and thirdly, that money was a substantial penalty which once received could not be recalled, whereas permission to trade at Shimonasaki might be rescinded at any moment.

I said that Sir Rutherford Alcock was on his way home, and that Her Majesty's Government would probably like to hear what he might have to say upon the subject before coming to any decision.

M. Drouyn de Lhuys took this opportunity of paying a high compliment to the ability displayed by Sir Rutherford Alcock in all his dealings with the Japanese Government. He added, with reference to the immediate subject of our conversation, that he should not press his opinion against that of the majority of the Powers interested, should that majority be of a different way of thinking.

I have, &c.
(Signed) COWLEY.

No. 2.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, January 12, 1865.

I WISH your Excellency to inform M. Drouyn de Lhuys, with respect to his recommendation that, under the Convention of the 22nd of October, the Governments concerned should accept the indemnity in money in preference to the port of Shimonasaki, that, as Sir Rutherford Alcock is shortly expected in England, Her Majesty's Government propose to consult that experienced Minister before coming to any final decision on the subject.

I am, &c.
(Signed) RUSSELL.

Sir R. Alcock to Earl Russell.—(Received February 28, 1865.)

(Extract.)

Yokohama, December 23, 1864.

THE inclosed official communication from the Ministers of Foreign Affairs announcing the termination of the Mission sent to Europe early in this year for the purpose of negotiating with the Treaty Powers, and obtaining their consent to the closing of the port of Yokohama, has been sent to the foreign Representatives.

Your Lordship may remember that before the expedition to Shimonasaki their only thought was, as speedily as possible, to nominate another Mission.

The formal and avowed renunciation of all desire to renew such negotiations was one of the earliest fruits of our success at Shimonasaki.

The inclosed communication is a further step, giving as it does a distinct statement, which was never before attainable, of the several laws or edicts regulating the intercourse of the natives with foreigners. There was still wanting the transcript of the several edicts, with their dates, and these have since been sent me, and are also forwarded. Thus the law of Gongen Sama, interdicting intercourse and putting all foreigners under the ban of outlawry, so often referred to, has been modified, and its hostile provisions altogether repealed.

Whether the ratification of existing Treaties by the Mikado be secured by a formal act, or merely by a tacit acquiescence, is not practically, perhaps, of much importance. But the repeal of an ancient edict of outlawry, together with this acceptance of Treaties as a *fait accompli*, may both be considered to have been fairly attained now.

Peaceable and stable relations may on this basis be possible henceforth; on any other it had become clearly impracticable.

Inclosure 1 in No. 3.

The Japanese Ministers for Foreign Affairs to Sir R. Alcock.

(Translation.)

WE have to make to your Excellency the following communication.

We informed your Excellency in our letter of the 7th day of our 8th month that, as our Envoys recently sent to the various countries (Treaty Powers) had returned from Paris in France, the Governor of Foreign Affairs, Osino Bitsu no Kami, and the Ometske Tzukahara Tadzima no Kami were appointed to proceed to these various countries. Now, this new mission is herewith countermanded.

With respect, &c.

The 3rd day of the 11th month of the 1st year Gengi (December 1, 1864).

(Signed)

MIDZUNO IDZUMI NO KAMI.

ABE BUNGO NO KAMI.

SUWA INABA NO KAMI.

Inclosure 2 in No. 3.

The Japanese Ministers for Foreign Affairs to Sir R. Alcock.

(Translation.)

WE have to make the following communication to your Excellency.

In accordance with the wish you expressed to the Governor for Foreign Affairs, we herewith submit an exposé of the general state of our dealings with foreign nations before the law of exclusion was repealed.

As in olden times, foreign vessels arriving near our coast behaved so badly that they anchored in ports which were not open, landed their crews without permission, terrified our people, seized the rice and corn from our transport junks, as also the cattle in islands belonging to our empire, and as in consequence of such injuries our people were bereft of the means for their peaceable existence, a Decree was issued in the 8th year of Bun-Sei Tori ordering to fire without hesitation on all foreign vessels coming to anchor.

In the course of time it appeared, however, that the circumstances of the world had undergone great changes, that the foreign Powers were from day to day progressing in

civilization, and the nations, through their good character and noble feelings, differed from those who formerly had made their appearance, and therefore, with the view of extending the path of friendship and mutual good feelings, the Decree of the year Bun-Sei was in the 13th year of Tempo-Tora modified in such a manner that, when foreign vessels in consequence of contrary wind and tide were driven towards our coast and obliged to anchor, the reason of their appearance should be ascertained from them, and if, through want of firewood, water, or provisions they were prevented to depart, such articles should be supplied to them, and they were also in every other respect to be treated with kindness; but at the same time it was enjoined to fire on them in case they conducted themselves badly.

Such were the stipulations for carrying on intercourse with foreign nations before the law of exclusion had been repealed.

The Decree of the year Bun-Sei was issued as a necessary measure against the bad conduct of foreign nations; that of the year Tempo in order to extend friendly feelings.

At present navigation is progressing rapidly, Treaties have been entered into with foreign Powers, the interchange of friendship and benevolence between the subjects of the two nations (Japanese and foreign) are daily increasing, and the relations prove from month to month more productive of mutual prosperity, which admits of no doubt.

We still await the improvement of this intercourse.

With respect, &c.

The 4th day of the 11th month of the 1st year of Gengi (December 2, 1864).

(Signed)

MIDZUNO IDZUMI NO KAMI.

ABE BUNGO NO KAMI.

SUWA INABA NO KAMI.

Inclosure 3 in No. 3.

The Japanese Ministers for Foreign Affairs to Sir R. Alcock.

(Translation.)

WE have to communicate to your Excellency the following.

In accordance with the request made by your Excellency to our Governor for Foreign Affairs, we herewith inclose copies of the proclamations formerly issued and circulated in our country, with respect to foreign vessels approaching our coast.

With respect and consideration.

The 18th day of the 11th month of the 1st year of Gengi (December 16, 1864.)

(Signed)

MIDZUNO IDZUMI NO KAMI.

ABE BUNGO NO KAMI.

SUWA INABA NO KAMI.

Inclosure 4 in No. 3.

Proclamations formerly issued in Japan with respect to Foreign Vessels.

(Translation.)

The 15th day of the 2nd month of the 8th year of Bun-Sei Tori (1825).

AS to the mode of proceeding on the arrival of foreign vessels many proclamations have formerly been issued, and one was issued expressly in the year of Bun-kwa (1806) with respect to a Russian ship. But many years ago an English vessel committed an act of violence at Nagasaki, and in later years the English visited the various ports in small ships and asked for firewood, water, and provisions.

In the past year they landed forcibly, and either seized the rice and corn from on board the Japanese junks, or the cattle from the islands.

The continuation of such overbearing proceedings, as also the intention of introducing the Christian religion, having come to our knowledge, it is impossible to remain passive.

However, not only England, but also the Southern Barbaries and Western countries are of the Christian religion, which is prohibited among us. Therefore, if in future foreign vessels should come near any seaport whatever, the local inhabitants shall conjointly drive them away; but, in case they go away, it is not necessary to send boats to pursue them.

Should any (foreigners) land anywhere, they must be arrested, or killed ; and if the ship approaches the shore, it must be destroyed. These matters must be proceeded with according to circumstances.

The above is republished for the information of everybody. In the event of any occurrence taking place, it must be reported to the Government. And every one shall be sufficiently prepared to that effect, according to the situation of the place ; such to be done in a skilful, speedy, and durable manner. In the meantime, the Chinese, Coreans, Loo-chewans, and their junks can be distinguished from them (the foreigners) ; but as it is difficult to distinguish Dutch vessels from the others, it will not be considered a crime if, through mistake, these be damaged ; it being essential to be always ready to drive the foreigners away, and not to lose a good opportunity.

The 23rd day of the 7th month of the 13th year of Tempo-Tora (1842).

It has been notified in the 8th year of Bun-sei (1825), that foreign vessels should be energetically driven away ; but great changes in State matters taking place at this moment, and the mode of government having been brought back to that of the years Kio-ho (1716) and Kwan-sei (1789), His Majesty is benevolently of opinion that in every respect humanity should be exercised, and that it is not a proper proceeding simply to drive away foreign vessels in distress, only calling for firewood, water, and provisions, without ascertaining the cause of their appearance.

For this reason it is hereby notified, that the Decree issued in the 3rd year of Bun-kwa (1806), in regard to foreign vessels, has been again put into operation ; and, consequently, if foreign vessels make their appearance, and it be satisfactorily ascertained that they cannot leave from want of firewood, water, and provisions, they shall, after having been supplied with the required quantities, be warned to depart ; but none of the crews shall be allowed to land.

But this proclamation is not intended to make the people believe that the coast defences may now be neglected, and that they may cultivate friendship with foreigners : on the contrary, the defences of the various places must be made much stronger, the defences more numerous, and the supply of arms larger than has hitherto been the case ; and this preparation must be effected without loss of time. It may be possible that foreign vessels, in order to try the disposition and strength of the local inhabitants, will make use of their fire-arms. In such case all impetuous movements must be avoided ; and, having obtained an accurate knowledge of the reasons which induce these vessels to approach, steps must be taken for giving effect to the humane intention of His Majesty. Should they, however, after having been supplied with the required articles, still object to depart, and use violence, they must of course be driven away, and matters must be arranged according to the circumstances of the case.

To meet such a contingency, further instructions will hereafter be given.

Although the Decree of the 3rd year of Bun-kwa (1806) be at hand, the annexed copy is circulated to recall it to memory.

Proclamation issued in the 3rd year of Bunkwa-Tora (1806).

Some time ago a Russian vessel arrived at Nagasaki, asking to carry on trade, &c., but as such request could not be complied with, it has been warned to depart, taking from it the passport formerly granted, and at the same time been cautioned never to return to this country. For this reason it must be prevented to return. It is, however, possible that it may call at a certain seaport under pretext of distress ; in which case measures must be taken for putting all the people at their respective posts, and for sending somebody on board to examine it, and if found to be truly a Russian ship, friendly advice must be given to induce it to depart. On the other hand, if it be actually in distress from want of water, firewood, and provisions, and not able to depart at once, it shall be provided with the necessary articles and allowed to depart. But, however strongly the crew may insist upon landing, such shall be prevented ; and a guard-boat shall be stationed alongside such ship until its departure, and nobody shall be allowed to visit such ship. The proceedings must be reported to the Government.

In the meantime should such vessel not listen to the repeated friendly advice which shall be given, and refuse to depart, measures shall be taken, according to circumstances, for driving it away without first referring to the Government, but the report in such case shall be made afterwards ; and everything shall be arranged as provided and notified in the 3rd year of Kwan-sei (1789) with respect to foreign vessels.

Sir R. Alcock to Earl Russell.—(Received February 28, 1865.)

(Extract.)

Nagasaki, December 31, 1864.

ON my way here I visited Shimonasaki, and satisfied myself the report spread by the last vessel which arrived at Yokohama of the reconstruction or rearming of Choshu's batteries was without any foundation.

The inclosed report from Major Wray, Royal Engineers, places the matter beyond all doubt.

Neither the Prince of Nagato nor any of his ministers were within easy distance for communication. Hito, however, one of his officers, came off and gave some information on the present state of affairs.

The Prince himself is at Hangi. All his people, together with himself, are under the ban of the Empire, and consequently cannot shave, but are compelled to allow the hair to grow long, which certainly does not improve their appearance.

We passed several steamers of Satsuma's and other Daimios, and one of the Tycoon's. There was reported to be a large gathering of Daimios and troops at Aki, under the command of the Prince of Owari, to attack Choshu in his territory; but from all I can learn I cannot help thinking there will be some settlement without real warfare. The officer reported that the Prince's orders were not to fight if they were attacked, but neither his troops nor subjects were disposed to permit their Prince to be dispossessed without striking a blow in his defence.

The people were perfectly civil, as were also the officials, and there has continued to be the same good feeling shown ever since the Convention for the cessation of hostilities was entered into.

Inclosure in No. 4.

Major Wray, R.E., to Sir R. Alcock.

Sir,

"Barrosa," at sea, December 30, 1864.

IN accordance with your request, I visited yesterday the four principal batteries attacked and silenced on the 5th September. I also went up to the stockade attacked and taken on the 6th September.

There is no appearance of any intention on the part of the Japanese to repair the batteries or re-erect the barracks or magazines.

On the contrary, they have removed what we left unburnt of the woodwork and palisades, and the parapets are rapidly being washed down by the rain.

To-day in passing the two batteries near Kibuno Point, I could make out distinctly that nothing has been done in the way of repair, and these parapets are also being rapidly washed down.

I have, &c.

(Signed) HENRY WRAY.

No. 5.

Mr. Winchester to Earl Russell.—(Received March 15.)

(Extract.)

Yokohama, January 16, 1865.

SINCE the dispatch of last mail no event of importance has occurred. My communications with the Japanese Government have been devoid of general interest.

The officers of this Government continue to assure me that the most active means are employed for the apprehension of Takahashi Tojiro, the assassin of the officers of the 2nd battalion 20th Regiment, who is still at large. The authorities seem to be fully alive to the necessity of arresting the career of a fanatic who has once tasted blood, before he has made himself the hero of an admiring band, ready to second and imitate his actions.

Trade at this port continues, and I learn from the report of several heads of foreign mercantile firms that the ingress of produce and egress of goods are described by their native friends as being now less restricted than they have been for two years past.

The carriage road towards Mississippi Bay is being rapidly made, and I am in

good hopes that on its completion the Japanese Government will undertake, with the same earnest will, some one of the other works stipulated in the Convention of 19th December.

Your Lordship will certainly receive later information from Sir R. Alcock, with respect to the proceedings of the expeditionary forces collected by the Daimios on joint orders of the Mikado and Tycoon against Choshu, than any which has yet reached Yokohama. At the date Captain Moresby of Her Majesty's ship "Argus" left the Straits (10th December), the ships and men were only beginning to assemble. The conversation of that gentleman with the officers of the rebel Prince did not suggest the idea that the belligerents were likely to proceed to hostilities without trying the chances of previous negotiation. Choshu's people spoke with confidence of their capacity to resist the attacking force. On the whole the probability is that the matter will be settled by a compromise, involving the retirement of the present Prince, and the performance of some act of public atonement or satisfaction.

Looking to the composition of the force called together to carry into execution the joint behests of the Mikado and Tycoon, one can hardly deem it likely the great feudal vassals will care to effect the utter ruin of one of their own class. Such a blow can only tend to the elevation of the Tycoon's power and the profit of his officers; ends which, with our positive knowledge of the past relations and present views of Satsuma, we can hardly suppose to be very sincerely sought by the head of the confederated Daimios.

That these views are entertained by the Tycoon's Government itself, I think there is reason to infer from the ardent desire exhibited for the retention of the naval and military forces at Yokohama.

Your Lordship is aware that the Japanese originally undertook to provide quarters for the 2nd battalion of the 20th Regiment, on the height adjacent to Yokohama. To this first camp has subsequently been added accommodation for the battalion of marines and for the detachments of artillery and engineers. It is only a few days ago that owing to a sudden increase of small-pox afloat and ashore, it became necessary to ask for a large increase of hospital accommodation—a demand at once acceded to.

I have been unable to detect the slightest overt symptom of jealousy, either in word or act, on the part of the authorities connected with these troops.

No. 6.

Mr. Winchester to Earl Russell.—(Received May 29.)

(Extract.)

Yokohama, January 30, 1865.

I HAVE the honour to bring to your Lordship's notice a despatch, with its inclosure, from the Gorogio, evincing considerable anxiety with respect to intercourse which had taken place between foreign merchant-vessels and the officers or subjects of Choshu.

The apprehensions of the Gorogio, though not expressed in the despatch, evidently regard attempts to supply the rebellious Prince with munitions of war. It is understood that the American vessel referred to in the Prince of Buzen's report is the "Monitor," a small steamer fitted with heavy guns for the purpose of being sold to the Japanese.

At a meeting of the Diplomatic Representatives, it was deemed desirable to forward answers which, though substantially the same, should embody variations corresponding with the position of the respective writers as affected by the circumstances of any intercourse within their knowledge. Inclosed is a copy of my own reply to the Gorogio.

The prolongation of a rebellion in Japan through the opening, by foreigners, of an illicit trade in arms, would not only be a prohibited evil of great magnitude, but in itself obviously detrimental to the general interests of foreign commerce, which must always be prejudicially affected by the continuance of civil dissensions. Such a course would simply be to make foreign trade a curse and a nuisance to Japan. I deemed it right, therefore, to direct the attention of Her Majesty's Consuls to the subject in the circular of which I forward a copy.

As I have no information of designs on the part of British subjects to connect themselves with such a trade, it is impossible to consider the indefinite report of the Japanese authorities as affording ground for more specific action. I shall not, however, hesitate in event of receiving any colourable information of such proceedings on the part of Her Majesty's subjects to put an end to them by energetic measures of repression.

I trust these views will meet with your Lordship's approbation.

Inclosure 1 in No. 6.

The Japanese Ministers for Foreign Affairs to Mr. Winchester.

(Translation.)

WE have the honour to make the following communication to your Excellency.

Some time ago we received a communication from Ogasawara Sakuyono Daibu, Prince of the Province of Buzen, to the effect that the subjects of Mori Daizen had visited the foreign vessels at anchor at Tanawoora, Province of Buzen, as per inclosed copy of his statement.

As Daizen is, as you know, a horrible rebel, and private intercourse with him from subjects of Treaty Powers may lead to misunderstandings calculated to result in difficulties between the two countries, we desire that you will request your ships and your people to have no private intercourse in future with the subjects of Daizen.

24th day of the 12th month of the 1st year of Gengi (January 21, 1865.)

(Signed)

MIDZUNO IDZUMI NO KAMI.

ABE BUNGO NO KAMI.

SUWA INABA NO KAMI.

Inclosure 2 in No. 6.

Report from Ogasawara Sakuyono Daibu.

(Translation.)

ON the 19th day of the 9th month (19th October), it appeared that the subjects of Nagato went on board the foreign ships at anchor at Tanawura, in my territory, and immediately returned.

On the 20th (20th October) a boat flying the flag of Nagato, and coming from Akamagasaki, visited the foreign ships at Tanawura.

On the 21st some people from Akamagasaki (apparently the subjects of Nagato) visited the foreign vessels at anchor at Monginowura, taking on board a white parcel about two feet long resembling a white linen bag.

On the 18th of the 11th month (17th December), a foreign vessel anchored at Monginowura, in the Province of Nagato, and was communicated with by six or seven people from Nagato; after which ten Europeans, armed with fire-arms, landed at Hatikenga near Akamagasaki. It was ascertained by one of our boats that the vessel was an American ship.

On the 19th (18th December) three or four people (who, we presume, belonged to Nagato) visited the American ship in the Sea of Monginowura, taking on board a case, after which they returned.

Inclosure 3 in No. 6.

Mr. Winchester to the Japanese Ministers for Foreign Affairs.

Your Excellencies,

Yokohama, January 26, 1865.

I HAVE received your despatch of date 21st January, inclosing a Report from Ogasawara Satsuyono Daibu, giving an account of certain communications between foreign ships and the followers of Mori Daizen, and have to reply:—

1. That I regret a more detailed and explicit description of the ships has not been supplied, which would have enabled me to ascertain the names and characters of the vessels referred to, and the exact circumstances of their intercourse with Choshii's people.

2. That the only British merchant-vessel which has recently passed the Straits was the steamer "Australian." She touched on a sunken rock in passing near Kokura, and having received assistance from Her Majesty's steamer "Argus," immediately returned to Shanghai to be docked. The war vessels of the English squadron have of course communicated, by orders of the Admiral, with the officers of Mori Daizen, in order to prevent the re-arming of the batteries, but the Report of the Prince evidently does not refer to the proceedings of war ships.

3. That British vessels are prohibited from trading at other places than the three recognised ports, and that I shall take stringent measures for prohibiting any attempts to open elsewhere commerce of illegal or clandestine nature.

With respect, &c.

(Signed)

CHARLES A. WINCHESTER.

Inclosure 4 in No. 6.

Circular to Her Majesty's Consuls in Japan.

Sir,

Yokohama, January 27, 1865.

SOME rumours have reached me of attempts, on the part of foreign vessels, to open an illicit and clandestine trade in arms with Mori Daizen (Choshu), and a despatch has been received from the Gorogio, reporting circumstances giving a colour to these statements. I direct you to do all in your power to discourage Her Majesty's subjects from engaging in such commerce. You are instructed to point out that the only legitimate trade is conducted at the recognized ports; that even there sales of munitions of war are restricted by the clause of the Treaty Regulations, and that parties will be held strictly responsible for any violation of Treaty law in this respect.

British ships and subjects engaging in any such traffic forfeit, *ipso facto*, for the time being, claim to protection; and if in spite of warning you find individuals determined to persevere in such unlawful course, I leave it to your discretion to communicate to the authorities at your port any information calculated to defeat their intentions.

I have, &c.

(Signed)

CHARLES A. WINCHESTER.

No. 7.

Earl Russell to Sir F. Bruce.

(Extract.)

Foreign Office, March 30, 1865.

YOU are aware that in answer to Sir R. Alcock's question as to whether Her Majesty's Government would be willing to accept the opening to foreign trade of the port of Shimonasaki, or of some more eligible port in the vicinity of those Straits, in lieu of a pecuniary ransom for the town of Shimonasaki, and of an indemnity to cover the expenses of the expedition against the Prince of Nagato,* I stated that Her Majesty's Government would be willing to renounce any money payment if greater or equal advantages could be secured by stipulations to be obtained from the Tycoon or the Mikado.

It would appear, however, that the Government of the Emperor of the French does not feel disposed to renounce its claim to the indemnity money; and that the Netherlands Government concurs in that opinion.

Under these circumstances, and as it seems to be essential that the allied Powers should adopt a common course of proceeding in this respect, I have to instruct you to ask Mr. Seward what view of the matter is taken by the Government of the United States.

You will call Mr. Seward's attention to the Article of the Convention relating to this subject.

No. 8.

Earl Russell to Sir H. Parkes.

Sir,

Foreign Office, April 8, 1865.

I DO not propose to give you detailed instructions, as your course must be guided in a great measure by the state of affairs which you will find in Japan.

I anticipate, however, that upon your arrival you will find the advantages gained by the proceedings of Sir R. Alcock and Admiral Kuper in the Straits of Shimonasaki, still bearing fruit in peaceable intercourse and continued tranquillity.

The principal of these advantages are:—

1. The abandonment of any pretence on the part of the Mikado or the Tycoon to violate Treaties, and banish foreigners from Japan.

2. The faithful execution of these Treaties, with the modifications and delays allowed by the Treaty Powers when the Japanese Envoys came to Europe in 1862.

3. Either the confirmation of the Treaties by the Mikado, or the formal admission that the Tycoon having, as the Prince of Satsuma said, the Treaty-making

* See Correspondence respecting Affairs in Japan, No. 1, 1865, page 128.

power, required no sanction from the Mikado for the conclusion and execution of the Treaties with European Powers and the United States of America.

4. The trial of all persons accused of murdering British subjects, and their execution if convicted.

5. The assignment of a fit residence, or site for a residence, at Yeddo, for Her Majesty's Envoy, and fit barracks and hospitals at Yokohama, to be maintained in repair by the Tycoon's Government.

I have only further to observe that it will be much easier to maintain all these advantages as fixed and established by our recent successes and agreements, than to restore them if once lost.

For the purpose of maintaining and improving our relations with Japan, you will cultivate the most cordial relations with the French, Dutch, and United States' Ministers, and act in concert with the officers commanding Her Majesty's land and sea forces.

You will pursue a firm but conciliatory policy towards the Tycoon and his Ministers.

I am, &c.
(Signed) RUSSELL.

No. 9.

Earl Russell to Sir H. Parkes.

Sir,

Foreign Office, April 8, 1865.

IN my despatch to Sir R. Alcock of the 3rd of last December, I stated in answer to a question whether Her Majesty's Government would be willing to accept the opening to foreign trade of the port of Shimonasaki, or of some more eligible port in the vicinity of the Straits, in lieu of the indemnity to cover the expense of the late expedition, and of a pecuniary ransom for the town of Shimonasaki, that Her Majesty's Government would be willing to renounce any money payment, if greater or equal advantages could be secured by stipulations to be obtained from the Tycoon or Mikado.

On communicating, however, with the French and Netherlands Governments, Her Majesty's Government have not found the same disposition to forego the money claim. On the contrary, those two Governments appear to view the proposed opening of the port of Shimonasaki or of some other port in its vicinity as a concession of far less value than the stipulated indemnity.

Under these circumstances Her Majesty's Government, anxious above all things to act in unison with the other Treaty Powers, have instructed Sir F. Bruce to ascertain the views of the Cabinet of Washington upon this point, and I shall consequently not be able to announce to you the decision of Her Majesty's Government thereupon until his reply shall have been received, and Her Majesty's Government shall have further conferred with the French and Netherland Governments.

I am, &c.
(Signed) RUSSELL.

No. 10.

Mr. Winchester to Earl Russell.—(Received April 19.)

My Lord,

Yokohama, February 15, 1865.

I HAVE the honour to forward copy of a communication from the Acting Japanese Secretary, Mr. Dohmen, reporting the tenour of an interview with a Governor of Foreign Affairs.

Your Lordship will gather from it that the difficulty with the Prince of Choshu has been arranged without actual hostilities.

I have, &c.
(Signed) CHARLES A. WINCHESTER.

Inclosure in No. 10.

*Mr. Dohmen to Mr. Winchester.*Sir, *Yokohama, February 15, 1865.*

HAVING by your directions addressed a communication to the Governors of Foreign Affairs, expressive of the wish to see one of their number before the departure of the mail, in order to obtain some positive information with respect to the rumours which we had heard regarding certain movements against Choshu, I received this morning an intimation from the Custom-house that Kikuchi Iyo no Kami, a Governor of Foreign Affairs, had just arrived from Yeddo, and requested to see me on the subject of my despatch to that Department.

At an interview with this functionary, I was told that the Prince of Owari had been sent, at the head of a powerful army, to attack Choshu from various points, but that the latter, together with his son, met the Commander-in-chief in the province of Aki, and offered his submission; that he (Choshu) had sent the heads of his three Karos who created the disturbance last year at Kioto; that his palace at Yamanguchi had been destroyed, and that the Prince and his son had retired into a temple within his dominions as a sign of repentance; and that in consequence of these terms peace had been granted to that rebellious vassal.

This, the Governor said, was the communication he had been instructed to make to me.

Before breaking up interview I took occasion to ask whether there was any truth in the reports which had reached us from different parts of the country to the effect that preparations were being made at Hiogo for the speedy opening of that port to foreign commerce.

The Governor replied in the negative, and stated that these reports must have originated in the fact that Hiogo, being a very central place in the Inland Sea, and so close to the rebel provinces, the Government had deemed it expedient to appoint a Governor there instead of being, as had hitherto been the case, under the jurisdiction of the Governor of Osaka.

Herewith the interview ended.

I have, &c.
(Signed) MARTIN DOHMEN.

No. 11.

*Earl Russell to Mr. Winchester.*Sir, *Foreign Office, April 24, 1865.*

WITH reference to your despatch of the 30th of January last, and its inclosures, respecting the illicit trade in arms asserted by the Japanese Government to be carried on by foreigners with the Prince of Choshu, I have to state to you that Her Majesty's Government are advised that under Article LXXXV of a new Order in Council which will shortly come into operation, Her Majesty's Minister in Japan will, so far as British subjects are concerned, have the power, by the issue of a regulation, to obviate the evil complained of, viz., the sending munitions of war to the enemies of the Japanese Government.

I am, &c.
(Signed) RUSSELL.

No. 12.

*Mr. Winchester to Earl Russell.—(Received April 27.)*My Lord, *Yokohama, February 28, 1865.*

I HAVE the honour to inform your Lordship that since the departure of last mail nothing of an eventful character has taken place.

The reports with respect to the opening of Hiogo still prevail. I have not myself thought it necessary to initiate any official correspondence with the Gorogio on the subject, and have limited myself to inquiries at interviews with such of the Governors of Foreign Affairs as were sent to communicate with me. This course appeared preferable,

inasmuch as the arrival of next mail will give time for receiving the instructions of Her Majesty's Government in reference to the Convention of 22nd October.

I communicated the substance of the information to the other Representatives, and it appears that Mr. Pruyn addressed the Gorogio a despatch of inquiry as to the nature of these reports. The answer was received yesterday by the United States' Consul, who had instructions in the absence of his Minister on a short visit to Yeddo (for which place he left yesterday morning), to circulate its contents, if of a positive character, among the American merchants. It was communicated to me with a request for translation.

The reply is couched in the ambiguous style with which the Japanese interpreters transfer the ideas from their own language to the Dutch, when it is desirable not to be explicit. I take it to be a faint denial, for there is an admission of preparations referring to the opening of the port as one stipulated by Treaty, and therefore to be regulated by the arrangements made in Europe by the first Embassy in 1862. But admitting that the Japanese authorities will deem it necessary to make elaborate preparations to meet, what will be, whenever it comes, a very formidable rush of foreign commercial aspirants, three years is certainly a very early date for their commencement.

M. Roches and General Pruyn inform me that they have addressed to the Gorogio letters as to the completion of their respective Legations on Goten-yama, with the view of leading to the selection of another site as favourable for foreign Legations, but less objectionable to the native authorities.

It had been my intention for some weeks past to accept an invitation from the Dutch Consul-General to pay him a visit in Yeddo, and to consider, and if necessary discuss, on the spot, the substitution of some more convenient temple than Tozenjee (now dismantled), as a temporary Legation; a proposal which I know will not meet with opposition if it becomes desirable to make it, the authorities having quite recently made over one very advantageously situated near the French Legation, to the Swiss Consul. The present seems therefore to be a favourable time for my visit, as it will also enable me to make inquiries as to the more important subjects of the opening of Hiogo, and the selection of a permanent site.

I propose to proceed to Yeddo to-morrow. As Mr. Polsbroek, when he took up residence, was accompanied by His Netherlands Majesty's corvette "Metalen Kruis," which leaves for Nagasaki to-morrow, I suggested to Commodore Montresor that it would be right to take up the "Severn" on that day.

These arrangements have not met with even the usual attempts at dissuasion which follow announcements to visit Yeddo. I propose to remain four entire days, and have taken every pains to make my stay as little onerous to the Japanese as possible.

I shall avail myself of any opportunity which may occur to present the Commodore and Colonel Browne, the Commandant, to the Gorogio.

I have, &c.

(Signed) CHARLES A. WINCHESTER.

Inclosure in No. 12.

The Japanese Ministers for Foreign Affairs to Mr. Pruyn.

(Translation.)

ON receipt of a letter dated 16th February, we have well understood that you have heard a report to the effect our Government had the intention of opening Hiogo in a short time. Now as the said port is near Kioto, and, as it were, the street leading to the western districts, and, as in event of internal difficulties it would be injudicious to leave it in its present state, a Governor has been appointed for the maintenance of order in that place.

In the meantime the Representatives of the different foreign Powers will, of course, be duly consulted when the time arrives for the opening of the said port, because it is mentioned in the Treaty.

It is therefore desirable that you should no longer have doubts on these subjects, which we beg to represent as our reply.

(Signed)

MIDZUMO IDZUMI NO KAMI.
SUWO INABA NO KAMI.

(No date. Received February 27, 1865.)

No. 13.

Earl Russell to Mr. Winchester.

Sir,

Foreign Office, May 4, 1865.

HER Majesty's Government approve your proceedings with reference to the reported intention to open the port of Hiogo, and your intended visit to Yeddo, as stated in your despatch of the 28th of February.

I am, &c.
(Signed) RUSSELL.

No. 14.

Mr. Winchester to Earl Russell.—(Received May 29.)

My Lord,

Yokohama, March 30, 1865.

THE following items of information have been furnished by the Interpreters of the Legation during the last fortnight, in reference to the internal condition of Japan.

Mr. Satow states that the cause of the Mito ronins has received its death-blow. There were 770 prisoners in the custody of Kanga, at Tsurunga, in Echizen. The force commanded by Kanga amounted to 1,300 of his own followers, besides troops belonging to the Tycoonate and other Daimios. On the 22nd ultimo the prisoners were handed over to the Tycoon's officers, and on the 27th, Takeda Inga no Kami, their leader, and 24 principal Chiefs were brought to trial, and executed on the 1st of March. On the 10th and 11th, it is said, 704 more were beheaded, thus accounting for all but a few of those who were confined at Tsurunga.

The population felt great sympathy for the ronins, in respect of their alleged design of expelling foreigners, and the Tycoon's Government was blamed for its severity against men animated by patriotic ideas.

Mr. Siebold, who has just returned from Nagasaki by way of the Inland Sea, reports a visit to the merchant-steamer "Union" by the officers of the Prince of Nagato. It appears from the statements they made that the Sako party had been expelled from the Choshu Provinces after five actions. In reference to the last of these the officer said, with much apparent satisfaction, that Kikawa Genmoty, imitating the tactics of the Admirals in September last, first bombarded the stockade from ships, then landed his men and took the inclosure by a flank attack. The remains of the party were said to have taken possession of a steamer and escaped in it to the Tsushima Group, the Daimio of which is connected by alliance with the house of Mori Daizen. The officer said that the Prince and his son were pardoned by the Mikado (*vide* copy rescript inclosed) and had let their hair grow; but that under any circumstances the followers of his master's house were determined to resist by force the dismemberment of the territories of Nagato and Suwo.

In a conversation Mr. Siebold had with the Karo of Iyo (Island of Sikok) and with the agents of the Daimios of Fizen and Tchikuzen, it appeared to him that there was reason to infer the existence on the part of these Daimios of a great desire for entering into commercial relations with foreigners. The poverty of their finances and their yearly augmenting expenditure have at last convinced them that the best means of arriving at wealth would be the opening of commercial relations with foreign countries. Unfortunately the Government of the Tycoon has placed so many difficulties in their way at the open ports that it has been impossible for them to profit by trade, and they have been up to the present moment only sufferers by the rising in price of articles for daily use. They are all anxiously looking forward to the opening of Shimonasaki, as being the last chance of recovering their wealth and power.

The Daimios will themselves enter into commercial relations rather than allow their subjects to trade, as they fear much the rising of that middle class which, up to the present moment, have been kept down by arbitrary power below the agricultural classes. There would be, on the part of the Kiusiu Daimios, great opposition against the opening of Hiogo or Osaka, as they consider it detrimental to their interests. The central provinces, however, would have less objections to it. The Daimio of Tchikuzen was attempting to raise a loan of some 300,000 kobangs, to be repaid in three years by the produce of his domains.

The foregoing items of information, while they sufficiently evidence the division of interests which prevails in Japan, tend to confirm the impressions of the great access of strength the Tycoon has derived from the policy pursued by the Foreign Representatives in 1864, and the belief that foreign commercial relations have before them a period of

comparative tranquillity, in which they will extend themselves and take firm root in the country. That the opening of some eligible port in the Inland Sea would give stability to the present order of things by hoping to satisfy the Mikado and powerful Daimios, whose estates form its shores, with a share of the advantages derived from foreign commerce, there can be little doubt;—or that till such a port is opened the foreign position will always be liable to be affected by the operation of the jealousies caused by the concentration of foreign trade so near to the Tycoon's military capital.

Rumours still occasionally reach me to the effect that the second assassin of the unfortunate officers of the 2nd battalion of the 20th Regiment has been apprehended, as also that this ruffian was engaged in the murder of the French sous-lieutenant Canus; but, notwithstanding frequent inquiries, these statements have never been confirmed by authority.

It is a great satisfaction to be able to continue to report the peaceful progress of our relations with this country.

I have, &c.
(Signed) CHARLES A. WINCHESTER.

Inclosure in No. 14.

Extract of the Mikado's Sentence on the Prince of Nagato.

MACHIDA ECHIGO, Fukuhara Echigo, Kohuchi Shinano, Karos of Choshu.

The above having committed their hara kiru, their heads were sent to Owari Dainagon, Prince of Owari; he transmitted them to the Mikado as the original principals of the rebellion of Choshu; the Mikado, however, returned them as not being a sufficient atonement.

Mori Daizen, old Prince; Mori Nagato, younger Prince, left his castle and entered a temple in token of submission.

Mori Sakionoske, Mori Awadzi no Kami, Mori Idsoomi no Kami; these have voluntarily submitted themselves to a domiciliary confinement of the 1st class.*

No. 15.

Mr. Winchester to Earl Russell.—(Received June 16.)

My Lord,

Yokohama, April 8, 1865.

I HAVE the honour to communicate to your Lordship a copy of the reply received from the Gorogio to the communication addressed to them on the question of residence in Yeddo.

Similar answers have been sent to the other Representatives.

I have, &c.
(Signed) CHARLES A. WINCHESTER.

Inclosure in No. 15.

The Japanese Ministers for Foreign Affairs to Mr. Winchester.

(Translation.)

WE have to make to you the following communication.

Although we had formed a plan for building (or rebuilding) the British Legation at Goten-yama in this capital, yet as this site is somewhat objectionable to us, we must cancel that plan.

Meanwhile, as you are well aware of the present circumstances of the country, we think that you will not insist upon fixing immediately another site for the same. The subject is now under consideration; we shall point out to you the new site as soon as it shall be determined upon.

It is therefore desirable that you will take the above into consideration.

With respect and consideration.

The 9th day of 3rd month of Gengi (April 5, 1865).

(Signed) MIDZUNO IDZUMI NO KAMI.
SUWO INABA NO KAMI.

* The domiciliary confinement consists in:—"the gate shall be closed and the windows shut, but not nailed down; in case of illness of the person or persons confined medical assistance may be called at night. In case of fire alarm may be given if threatening to destroy the house, the confined persons may leave the house and give notice of their departure to the authorities."—*Translated from Penal Code. Alex. von Siebold.*

Mr. Winchester to Earl Russell.—(Received June 16.)

(Extract.)

Yokohama, April 12, 1865.

I HAVE the honour to forward for the information of your Lordship copy of a letter received from the Gorogio relative to the Convention of 22nd October last.

This communication conveys the decision of the Japanese Government as to the alternatives embodied in that agreement, and announces that they prefer paying a money indemnity to opening Shimonasaki, or any other port in the Inland Sea.

If the terms of the despatch had intimated an intention of carrying out the stipulations of the alternative selected, in the manner and at the times regulated by Article II of the Convention, there would have been nothing else to do save at once to forward a simple acceptance of the choice which had been made.

If the text of the agreement itself is compared with that of the proposal now made, your Lordship will not fail to observe that there are very essential variations sufficient to raise a doubt as to the intention of the Tycoon's Administration. Firstly, the second instalment, instead of being paid in three months after the first, is to be deferred for a year, and secondly, nothing is stated with respect to the times of payment of the four remaining instalments, which we are left to infer are to be made at the expiration of every succeeding three months; though it is not very evident why the Japanese Government should be more sanguine of its ability to pay up the whole during the fifteen months commencing July 1866, than in the eighteen months following July 1865.

I have deferred making any reply to this communication, because there has not yet been any meeting of the Representatives, parties to the Convention, and one cannot be conveniently held till after the departure of the mail, and because, with the prospect of the receipt of the ratification and instructions referred to in Article II, it is desirable to keep Her Majesty's Representative free to act in the manner best calculated to promote the views and ends which your Lordship may then indicate.

I have in former despatches endeavoured to acquaint your Lordship with the impressions I had received from passing events, occurrences, and reports with reference to the probable wishes and action of the Japanese Government in regard to this Convention. I have never believed that the Tycoon's Government would consent to open Shimonasaki while it remained under the sovereignty of Choshu, unless wrung from it by the pressure of actual hostilities. Such a step would be an utter abandonment of the constitutional privilege of controlling foreign relations, to which only in the last extremity it could be expected to agree.

The details given in my despatches relative to the settlement of the Choshu affair sufficiently show that it was the policy of the Princes entrusted with the duty of bringing the rebellious Prince to terms, to avoid the ruin of their powerful co-feudatory. The Tycoon has evidently been obliged to content himself with such constitutional submission as was deemed by them adequate to atone for his personal offences, and has been utterly unable to effect that partition of Nagato and Suwo which would have led to the seizure of Shimonasaki and the Straits, as the Suzerain's share of the spoil, and so admit of the fulfilment of the Convention by opening it to foreign trade. The known desire of the Princes of Kiusu to trade with foreigners at a port subject to one of their own number, as evidenced by the reports of Mr. Siebold, embodied in my despatch of March 30, must be well known to the Ministers, and naturally excites the deepest jealousy. I have, however, always been sceptical as to whether the fact of a port being under the control of a Prince unequal in rank to the Tycoon would be much security against the attempted imposition of restrictions (for his own benefit), certain to lead to quarrels of which it would be difficult to keep clear.

But while I felt satisfied that the Japanese Government, rather than consent to the opening of Shimonasaki as a Daimio port, would assume for a time the responsibility of the indemnity, even if it had been double the amount, the known state of the finances of the Tyconate, impoverished by considerable sums paid to the Mikado as the price of abandoning Choshu, induced me to believe that the obligation to pay so large an indemnity as 3,000,000 dollars would be felt as a very grievous burden. Large sums have been actually expended on arms, ships, &c., and in order to set in motion the forces against Choshu, many considerable purchases had to be made at Nagasaki, the drafts covering which are still in the hands of foreigners unpaid.

It has always been matter of difficulty to obtain any exact account of the revenues of the Tyconate. It is of course composed of the land taxes and duties accruing on the commerce of the territories forming the appanage. The quit-rents on which the

eighteen Kokoshu Daimios hold their possessions, estimated at one-third of the whole country, are understood in all, save the obligation of military service, to be nominal. In some cases, the presentation of a few horses, a sword, or other warlike stores, which can only be considered as peppercorns, are the whole amount of their quit-rents. In certain settled contingencies, as when the palace is burned, when the Tycoon visits Kyoto, &c., there are regulated contributions of moderate amounts paid by these Daimios, but they collect the local revenue through their own officials, and furnish no account either of receipts or expenditure. It can hardly be believed that these form any very considerable addition to the actual revenue.

With respect to the lands held by the smaller or foodai Daimios, estimated at another third, it is understood that the land tax, whether in kind or money, is collected by the local officers under the surveillance of those of the Tycoon, and that only a very moderate per-centage, after the cost of administration and the household expenses of the Princes are allowed for, can fall to the share of the Tycoon.

With respect to the remaining third, which as imperial territory is presumed to be more immediately under the control of the Tycoon's Government, the action of the Japanese system will be understood better if it is kept in mind that officers, such as Governors, Vice-Governors, Hattamotos and military officers of the higher rank, are not paid in money, but receive as their salaries rents and taxes of certain lands farmed out to them, subject to contributions perhaps somewhat larger in amount than those spoken of.

The transit dues on internal commerce are known to be moderate, and the expensive surveillance maintained on foreign commerce is sufficient to absorb the greater part of the out-turn of the legal duties. It is understood that in emergencies the Tycoon has the right to call on the great bankers at Osaka to make advances free of interest on the produce received as revenue in kind. In illustration of this subject, I forward a memorandum from Mr. Siebold, which embodies the notions current amongst the Japanese in contact with us on these subjects.

Whatever may be the accuracy of these statements, enough is known to satisfy us that the resources of the Japanese Government, so far as the power of making large money payments is concerned, must be very limited.

Under these circumstances it appears dubious whether we shall not find the Gorogio in July 1866, deferring the third payment to the same month in the following year, even if they do not trust to the chapter of accidents relieving them from the remainder of the instalments. The Government is not likely to obtain any voluntary assistance springing out of patriotic sympathy, as the present monopoly of foreign commerce is a cause of intense jealousy both with the Daimios and the Mikado.

Your Lordship will not be surprised to find that looking to the financial state of the country, and the proclivity of the Japanese to levy "squeezes" by the interposition of restrictions, many of the best informed foreign residents, official as well as civilian, see in these indemnities nothing but an additional duty to be levied on foreign commerce by one of a score of means suited to Japanese ideas of raising funds.

The United States' Minister was, a few days ago, good enough to read me the despatch in which he transmitted this Convention. It contained a paragraph in which, after stating the probability of a port being opened, he expressed his belief that indemnities were impolitic, and that the sum received for the Richardson affair had been paid for by additional duties on goods and provisions brought to this port for foreign consumption, and the profits received on the shipment and relanding of goods by persons desirous of placing the property of their constituents in safety. I certainly share this opinion.

I confess, therefore, that the protracted payment of this indemnity seems to be very much like the hanging of a millstone for five or six years round the neck of our own trade. It is, I grant, impossible to escape the payment of some indemnity to satisfy the claim of France for firing on the "Kienchan," admitted by the Convention of Paris, and the claims of the United States and Netherlands resting on similar foundations, viz., the attacks on the "Medusa" and "Wyoming;" but I trust your Lordship will pardon me for respectfully venturing to suggest that advantage may be taken by the Governments of the four Powers of the long interval between the first and second instalments to effect some arrangement which, by securing general advantages, such as the opening of Hio-go, or a revision of the tariff, will be compatible with a reduction of the total amount of the indemnity.

Inclosure 1 in No. 16.

The Japanese Ministers for Foreign Affairs to Mr. Winchester.

(Translation.)

WE have to communicate to you the following :—

In order to regulate the claims against Mori Daizen, for his hostile acts committed upon the ships of different Powers, the Convention of the 22nd day of the 9th month of the past year, Né, was after negotiation ratified between us and the Representatives of the different Powers ; and it was agreed that one of the two alternatives, viz., the opening of Shimonasaki or some other port in the Inland Sea, in the interest of the respective Governments, or the payment of the indemnity stipulated in the said Convention, should be adopted.

Having maturely considered the present state of affairs in our country, we find that the opening of a port would not only affect our internal affairs, but also create some inconvenience to the different foreign Powers.

Properly speaking, the cause from which the serious difficulties respecting foreign relations have arisen, is Mori Daizen, and consequently the indemnity money ought to be found from him ; but as he is one of the Daimios of Japan, it is impossible to permit him to enter into negotiations respecting this matter with the different Powers, and thus our Government is compelled to make itself responsible for the same.

Now, if in lieu thereof a new port were opened, the difficulties between the two countries (Japan and the West) would greatly increase, and for this reason we have, after mature deliberation, decided for the latter alternative, namely, the payment of the indemnity.

The difficulties with Choshu, however, are not quite settled as yet, and therefore part of the indemnity which is to be paid in six instalments will be paid in the 6th month (July-August), and it is desirable that the other periodical payments be deferred till the 6th month of next year, Tora, inclusive, *i. e.* for one year.

As you are thoroughly acquainted with the state of our internal affairs, we feel confident that you will accede to our wish.

With respect and consideration,

The 10th day of the 3rd month of the 2nd year of Gengi (April 6, 1865).

(Signed)

MIDZUNO IDZUMI NO KAMI.
SUWO INABA NO KAMI.

Inclosure 2 in No. 16.

Memorandum respecting the Tycoon's Revenues.

THE revenues of the Tycoon's Government are not officially known ; but the general impression of the officials serving at Court is that it must amount to 8,000,000 koku. This is composed of the revenues paid in rice, and transmitted through the collectors of rents, but does not include duties and taxes, which are never included in the returns of revenues. Neither does it include the gain made in the silver and gold mines, and by the re-minting of dollars into Japanese coin.

The larger expenses of the country are paid in land revenues, so that all the officers who receive large salaries are paid in lands, by the revenues of which they exist. Therefore the expenditure of the Tycoon principally consists in the expenses of his own household, and the pay of the lower officers and military class (who are paid in rice).

The Daimios do not pay any tribute. On the contrary, the Tycoon is supposed to lend them money at very low rates—between 5 and 7 per cent. (the lawful interest is about 12 per cent.)

His average household expenses are estimated at 360,000 kobangs—equal to 400,000 dollars.

Yokohama, April 12, 1865.

No. 17.

Mr. Winchester to Earl Russell.—(Received June 16.)

My Lord,

Yokohama, April 13, 1865.

I HAVE the honour to report for your Lordship's information the satisfactory and uneventful character of our general and commercial relations in this country during the last fortnight.

I have, &c.

(Signed) CHARLES A. WINCHESTER.

No. 18.

*Earl Russell to Earl Cowley.**

My Lord,

Foreign Office, June 21, 1865.

I TRANSMIT to your Excellency, for your information, copies of a despatch and its inclosures received from Mr. Winchester,† from which it will be seen that the Japanese Government have adopted the alternative allowed by the Convention of the 22nd of October last, and have decided to pay the indemnity of 3,000,000 dollars rather than open Shimonasaki or any other port in the Inland Sea.

Your Excellency will state to M. Drouyn de Lhuys that Her Majesty's Government are of opinion that the whole amount of the indemnity ought to be paid in 1866.

I am, &c.

(Signed) RUSSELL.

No. 19.

Earl Cowley to Earl Russell.—(Received June 28.)

My Lord,

Paris, June 27, 1865.

I HAVE informed M. Drouyn de Lhuys, in compliance with the instructions contained in your Lordship's despatch of the 21st instant, that the Japanese Government having adopted the alternative allowed by the Convention of the 22nd of October, and having decided to pay the indemnity of 3,000,000 dollars, rather than open Shimonasaki, or any other port in the Inland Sea, Her Majesty's Government are of opinion that the whole amount of the indemnity ought to be paid in 1866.

M. Drouyn de Lhuys concurs in this opinion, and thinks that under no circumstances should the amount to be paid be diminished. He would prefer that the Japanese Government should remain a debtor to any reduction of the debt.

I have, &c.

(Signed) COWLEY.

No. 20.

Sir J. Milbanke to Earl Russell.—(Received June 30.)

My Lord,

The Hague, June 28, 1865.

IN the continued absence of the Minister for Foreign Affairs, I communicated to the Secretary General of that Department the substance of your Lordship's despatch of the 21st instant, relative to the adoption by the Japanese Government of the alternative of the payment of the indemnity fixed by the Convention of the 22nd of October last, in preference to the opening of the port of Shimonasaki. M. Uijttenhooven informed me that a communication on the same subject had been received from the Netherlands Representative in Japan, who, at the same time, strongly discountenances the idea of acceding to the request of the Gorogio for delay: and it seems probable that his advice will be acted upon; for M. Uijttenhooven told me that, in the event of the absence of the Minister being

* Similar despatches were addressed to Sir F. Bruce and Sir J. Milbanke.

† No. 16.

prolonged beyond the day of the departure of the mail for the East, on the 9th proximo, instructions will be sent to M. de Polsbroek to hold the Japanese Government strictly to the provisions of the Convention.

I have, &c.
(Signed) J. R. MILBANKE.

No. 21.

Earl Russell to Sir F. Bruce.

Sir,

Foreign Office, July 1, 1865.

WITH reference to my despatch of the 21st ultimo, I transmit herewith, for your information, a copy of a despatch from Earl Cowley,* relative to the payment of the indemnity of 3,000,000 dollars by the Japanese Government, in preference to opening a port in the Inland Sea.

I am, &c.
(Signed) RUSSELL.

No. 22.

Mr. Winchester to Earl Russell.—(Received July 6.)

(Extract.)

Yokohama, April 25, 1865.

IN my despatch of the 12th instant, transmitting the letter of the Gorogio declaring their desire, under the Convention of the 22nd of October, 1864, to pay the indemnity preferably to opening Shimonasaki, and proposing certain changes in the times of payments, I had the honour to inform your Lordship that I did not propose to reply to this communication until I could have the opportunity of consulting with the other Representatives concerned.

A meeting took place at the French Legation on the 15th instant, when the following conclusions were arrived at:—

1. That the communication of the Gorogio was to be considered as a declaration of their intention to pay the indemnity stipulated by the Convention, rather than open to foreign commerce Shimonasaki, or other eligible port in the Inland Sea.

2. That the proposal to deviate from the terms of the Convention, as to the dates of payment of the instalments, was one which the Representatives present had no power to accept, and which must, therefore, be referred to their respective Governments.

3. That the Representatives, desirous not to anticipate the decisions of their Governments on this proposal, agreed to accept, under reservation, payment of the first instalment in the month of July next, as intimated in the despatch of the Gorogio.

It was then arranged that separate replies, embodying these points, should be drawn up, and communicated between the Representatives.

At this meeting, M. Roches was good enough to read to us an extract from his instructions, to the effect that the opening of Shimonasaki was not considered desirable, and that the indemnity should be required in its stead. Osaka and Hiogo were considered by the French Government as the only ports in the Inland Sea where it would be profitable to initiate here foreign commercial relations.

A general and somewhat desultory conversation followed, as to the financial resources of this Government, in which I expressed the general views already submitted to your Lordship. My Netherlands colleague, while agreeing with me in opinion that there was every probability of the arrangements for paying the indemnity resulting in the imposition of additional taxes on foreign commerce, and that the proposed retardation of payment would operate to prolong such interference with our trade, stoutly maintained that the Tycoon could well pay the sum, and was possessed of hoarded treasure sufficient to liquidate the indemnity in a single payment. He stated, at the same time, that years elapsed before the Dutch Government was paid the balance due on the commercial operations which terminated with the initiation of the present Treaties.

I cannot say, that every allowance made for the great natural resources of these Islands, the ideas I had previously entertained as to the power of the Government of the Tycoon to make large money payments without inconvenient pressure on its ordinary

sources of revenue, were modified to any considerable extent. The division of the country into more than a score of quasi independent administrations, and the legions of officials employed in every department of these, civil and military, are opposed to all the conditions of an economical financial administration, as recognized by European statesmen and economists.

As the result of this interview, I have now the honour to forward, for your Lordship's information, copy of the reply made by myself.

Irrespective of the policy and possible results connected with the retarded exaction of an indemnity, I feel satisfied that it is entirely superfluous in me to recommend to Her Majesty's Government that every indulgence should be shown to the application of the Gorogio for this particular delay, as Her Majesty's Government requires no recommendation from its agents to meet such requests with the most favourable consideration. The point which seems to me of more importance to suggest is, whether the deviation proposed by the Japanese might not fairly be made the basis of a joint counter-proposition on the part of the foreign co-signatories to take, as equivalent to the moiety, or two-thirds of the indemnity, some such concessions as the opening of Hiogo on the 1st of January, 1866; the written adhesion of the Mikado to the Treaties; and the reduction of import duties, now levied at 5, 6, and 20 per cent. on different classes of goods, to a uniform rate of 5 per cent., a change which would be a great convenience to foreign commerce, and, by stimulating consumption, would probably be attended with no material diminution of profit to the Japanese revenue.

I certainly entertain the belief that such a proposal, if brought forward with the conjoined influence of the four Powers, would meet with acceptance from the Government of the Tycoon.

Inclosure in No. 22.

Mr. Winchester to the Japanese Ministers for Foreign Affairs.

Yokohama, April 19, 1865.

I HAVE the honour to acknowledge the receipt of your Excellencies' letter of the 5th April (10th day of the 5th month of Gengi).

It announces that the Government of the Tycoon has, after mature deliberation, decided not to tender Shimonasaki or other eligible port in the Inland Sea in place of the indemnity agreed upon in the Convention of the 22nd October, 1864 (22nd day of the 9th month of the 1st year of Gengi). This has been reported to the Government of the Queen by the mail which left here on the 14th instant.

If the communication of your Excellencies had contained a statement of the intention of the Government of the Tycoon to execute the stipulations embodied in Article II, precisely as they are there expressed, my duty would have been limited to a simple acceptance of such intimation as fulfilling all the requirements of the Convention, and the expression of my hopes that the object stated in Article III, namely, "the establishment of better relations, and the desire to place these on a more satisfactory and mutually advantageous footing," might be secured by the preference of the alternative which, in the exercise of the undoubted right of option reserved by the Convention, the Ministers of the Tycoon had adopted.

But in this letter your Excellencies informed me that the first instalment of 500,000 dollars is to be paid in the Japanese 6th month of the present year, and that it is your wish the payment of the second instalment should be deferred until the 6th month of next year.

With reference to the four remaining instalments, your letter omits to state at what subsequent periods it is proposed they should be paid.

I find, however, that Article II stipulates, "the whole sum to be payable in quarterly instalments of one-sixth, or 500,000 dollars, to begin from the date when the Representatives should make known to the Tycoon's Government the ratification of the Convention and the instructions of their respective Governments."

Had I been in possession of these instructions, it is possible I might have found myself in a position enabling me to recommend to my Government the consideration of your Excellencies' proposition in terms stronger even than those which I may now be justified in using; for your Excellencies are aware that the British Minister was summoned to London to confer with Her Majesty's Government on the subject of this Convention, and the events which led to it; and that official information received, as has been already intimated to your Excellencies, leads me to expect his return next month, or in any case

the instructions which after consultation with an officer so experienced in the conduct of British relations with Japan, Her Majesty's Government will have no doubt transmitted.

Considering, therefore, the non-receipt of these instructions, the important nature of the deviation proposed in your Excellencies' letter as to the payment of the second instalment, the omission to specify the times of payment of the remainder, and the well-understood character of my functions as Her Majesty's Chargé d'Affaires, it is my duty to inform you that I am unable to accept the proposition of your Excellencies as a fulfilment of the alternative stipulation of the Convention reserved by Article II to the option of the Tycoon. Without wishing to prejudice the friendly consideration which my Government will certainly be disposed to give to any request made by that of the Tycoon as to the mode and times of payment, I must explicitly reserve to the decision of Her Majesty's Government, in concert with the other subscribing Powers, the acceptance or refusal of all deviations whatever from the precise terms of the Convention.

I have taken advantage of the interval which has elapsed since the receipt of your Excellencies' letter to seek a conference with my colleagues, and it is matter of great satisfaction to me to find that there is no difference of opinion amongst us as to the necessity which the proposed deviation from the terms of the Convention imposes upon us of referring the same to the consideration of our respective Governments.

With respect to the payment of the first instalment during the course of the 6th Japanese month, I am desirous, in concert with the other Representatives, to avoid taking up any position which might be presumed to anticipate an unfavourable consideration by my Government of your Excellencies' proposal. I am ready, therefore, to join them in the arrangements for its receipt, under the express provision that the doing so shall in no way lessen or impair the right of Her Majesty's Government to require the literal execution of the engagements of the Convention as set forth in Article II quoted above: that is to say, quarterly payments of the above specified amounts; and equally the right of Her Majesty's Government in exchange for its assent to the deviation proposed in your Excellencies' communication, or to any other deviations to be hereafter sought by the Japanese Government, to negotiate for the concession of equivalent advantages which shall be consistent with the provisions of the Treaties and the cultivation of friendly relations between the two countries. In conclusion, I desire to assure your Excellencies, that in transmitting this communication to my own Government, I shall do so in terms intended to promote the speedy and amicable settlement of all questions which may arise under this Convention, and to cement the good understanding now so happily prevailing between Japan and the Treaty Powers.

With respect and consideration.

(Signed)

CHARLES A. WINCHESTER.

No. 23.

Mr. Winchester to Earl Russell.—(Received July 6.)

(Extract.)

Yokohama, April 26, 1865.

I HAVE the honour to continue to report to your Lordship the satisfactory progress of foreign relations with this country.

No. 24.

*Earl Russell to Sir F. Bruce.**

Sir,

Foreign Office, July 12, 1865.

YOU have been apprized by my despatch of the 21st of June of the opinion of Her Majesty's Government that as the Japanese Government, as reported in Mr. Winchester's despatch of the 12th of April, had announced to the Representatives of the Treaty Powers that they preferred paying the whole of the sum stipulated in the Agreement of October 22, 1864, to opening the port of Shimonasaki or some other port in the Inland Sea to foreign trade, the whole sum to be paid under that agreement should be paid in 1866.

I have since received from Mr. Winchester a further despatch inclosing the answer returned by the Representatives of the Treaty Powers to the communication from the Japanese Government inclosed in his previous despatch.

I transmit to you copies of these papers.†

* A similar despatch was addressed to Sir J. Milbanke.

† No. 22 and Inclosures.

Upon full consideration of the questions arising out of the Agreement of October 1864, and of the course taken upon them by the Representatives of the Treaty Powers in Japan, Her Majesty's Government submit for the concurrence of the United States' Government, as they will also submit for the concurrence of the Governments of France and of the Netherlands, that the conduct of the Representatives in agreeing to accept, subject to the approval of their respective Governments, payment in the present month of the first instalment of the indemnity, should be approved.

But, as regards the future, Her Majesty's Government are inclined to consider that the general interests of trade and of foreign relations with Japan would be best consulted by an arrangement which should absolve the Government of the Tycoon from two-thirds of the whole sum of 3,000,000 dollars payable under the Agreement of 1864 (leaving thus only 500,000 dollars beyond what they will have paid in the present month to be obtained from the Government of the Tycoon, and which balance should be paid before the end of the current year); provided, 1st, that the port of Hiogo and the city of Osaka are opened for the trade and residence of the subjects of the Treaty Powers on the 1st of January, 1866; 2ndly, that the sanction of the Mikado is formally given to the Treaties already concluded by the Tycoon with the Treaty Powers; and, 3rdly, that the duties on imports into Japan are generally reduced to 5 per cent., and shall in no case exceed 10 per cent.

If the Government of the Tycoon will not agree to these terms, Her Majesty's Government consider that the full and literal execution of the IInd Article of the Agreement of October 1864 should be insisted upon, and that the Government of the Tycoon should be required to pay in quarterly instalments of one-sixth, or 500,000 dollars, the whole amount of 3,000,000 dollars payable to the three Powers; such further quarterly payments, the first instalment having been already paid, to begin on the 1st of October next, and to be completed by the 1st of October, 1866.

If the Government of the Tycoon will not adopt either of these alternatives, and comply with their requirements, Her Majesty's Government consider that the Agreement of 1862 under which the opening of the port of Hiogo and of the city of Osaka was deferred for five years from the 1st of January, 1863, should be withdrawn, and the strict fulfilment of the IIIrd Article of the Treaty of August 26, 1858, between Great Britain and Japan, in regard to those cities should be insisted on. Having allowed Hiogo and Osaka to be hitherto closed, we should then insist that from the 1st of January, 1866, the port of Hiogo and the city of Osaka should be opened to trade.

If the Governments of France, of the Netherlands, and of the United States agree in the course which is suggested in this despatch, Her Majesty's Minister in Japan will receive instructions to act upon it in conjunction with his colleagues.

I am, &c.
(Signed) RUSSELL.

P.S.—You will request Mr. Seward to give an early answer to this despatch.

R.

No. 25.

Earl Russell to Earl Cowley.

My Lord,

Foreign Office, July 13, 1865.

YOUR Excellency, in your despatch of the 27th of June, reported that the French Government concurred in the opinion of that of Her Majesty, that as the Japanese Government had announced to the Representatives of the Treaty Powers, as reported in Mr. Winchester's despatch of the 12th of April, that they preferred paying the whole of the sum stipulated in the Agreement of October 22, 1864, to opening the port of Shimonasaki, or some other port in the Inland Sea, to foreign trade, the whole sum to be paid under that Agreement should be paid in 1866.

The Netherlands Government take the same view of the matter; but time has not admitted of the opinion of the United States' Government being ascertained, though, in regard to the selection of the alternatives of the Agreement of October 22, Mr. Seward stated to Mr. Burnley, in December 1864, that full discretion was left to the United States' Minister in Japan.

I have now received from Mr. Winchester a further despatch, inclosing the answers returned by the Representatives of the Treaty Powers to the communication from the Japanese Government, inclosed in his previous despatch. I transmit to you copies of those papers.*

* No. 22 and Inclosures.

Upon full consideration of the questions arising out of the Agreement of October 1864, and of the course taken upon them by the Representatives of the Treaty Powers in Japan, Her Majesty's Government submit, for the concurrence of the French Government, as they will also submit for the concurrence of the Governments of the Netherlands and of the United States, that the conduct of the Representatives, in agreeing to accept, subject to the approval of their respective Governments, payment in the present month of the first instalment of the indemnity, should be approved.

But, as regards the future, Her Majesty's Government are inclined to consider that the general interests of trade and of foreign relations with Japan would be best consulted by an arrangement which should absolve the Government of the Tycoon from two-thirds of the whole sum of 3,000,000 dollars, payable under the Agreement of 1864 (leaving thus only 500,000 dollars, beyond what they will have paid in the present month, to be obtained from the Government of the Tycoon, and which balance should be paid before the end of the current year); provided, 1st, that the port of Hiogo and the city of Osaca are opened for the trade and residence of the subjects of the Treaty Powers on the 1st of January, 1866; 2ndly, that the sanction of the Mikado is formally given to the Treaties already concluded by the Tycoon with the Treaty Powers; and, 3rdly, that the duties on imports into Japan are generally reduced to 5 per cent., and shall in no case exceed 10 per cent.

If the Government of the Tycoon will not agree to these terms, Her Majesty's Government consider that the full and literal execution of the IIInd Article of the Agreement of October 1864 should be insisted upon, and that the Government of the Tycoon should be required to pay, in quarterly instalments of one-sixth, or 500,000 dollars, the whole amount of 3,000,000 dollars, payable to the three Powers; such further quarterly payments, the first instalments having been already paid, to begin on the 1st of October next, and to be completed by the 1st of October, 1866.

If the Government of the Tycoon will not adopt either of these alternatives, and comply with their requirements, Her Majesty's Government consider that the Agreement of 1862, under which the opening of the port of Hiogo and of the city of Osaca was deferred for five years from the 1st of January, 1863, should be withdrawn, and the strict fulfilment of the IIIrd Article of the Treaty of August 26, 1858, between Great Britain and Japan, in regard to those cities should be insisted on. Having allowed Hiogo and Osaca to be hitherto closed, we should then insist that, from the 1st of January, 1866, the port of Hiogo and the city of Osaca should be opened to trade.

If the Governments of France, of the Netherlands, and of the United States agree in the course which is suggested in this despatch, Her Majesty's Minister in Japan will receive instructions to act upon it in conjunction with his colleagues.

I am, &c.
(Signed) RUSSELL.

No. 26.

Sir J. Milbanke to Earl Russell.—(Received July 14.)

(Extract.)

The Hague, July 10, 1865.

I REPORTED in my despatch of the 28th ultimo the substance of a conversation between myself and the Secretary-General of the Foreign Department, relative to the preference shown by the Japanese Government for the payment of the indemnity stipulated in the Convention of the 22nd of October last, as an alternative for opening the port of Shimonasaki. The return of the Minister for Foreign Affairs enabled me to recur to the subject with him the day before that fixed for the departure of the mail, and I inquired whether it was his intention to send any fresh instructions to the Dutch Representative at Yokohama, and if so in what sense; at the same time explaining to his Excellency the views of Her Majesty's Government in reference to the demand for time addressed by the Gorogio to Mr. Winchester. M. Cremers replied, that the period of the arrival of the next mail from the East was so near, that wishing to avoid the confusion and inconvenience arising from the crossing of reports and instructions, which was unavoidable, owing to the great distance, he thought it would be preferable not to complicate matters by giving new instructions at the present moment, especially as those already in Mr. Polsbroek's hands were sufficient to meet the case. These are, if I understand his Excellency rightly, to hold the Japanese Government to the discharge of the whole indemnity as originally arranged, or in the event of its becoming apparent that the Tycoon has not sufficient funds at his

command, to accept one-half of the 3,000,000 dollars in money, and as an equivalent for the other moiety, the opening of such ports as may be deemed by the foreign Representatives most advantageously situated for commercial purposes, and he named as coming within this category those of Hiogo and Osaka.

No. 27.

Mr. Winchester to Earl Russell.—(Received July 17.)

My Lord,

Yokohama, May 9, 1865.

YOUR Lordship will learn from the inclosure that there is reason to believe foreign adventurers have begun to flock to the aid of Choshu. I have thought it desirable to direct Mr. Gower to prevent, as much as possible, British subjects from taking part in civil contentions in this country.

Unfortunately, Japan is not within the scope of the China Neutrality Ordinance. But in view of the grave complications which may at any time arise from the interference of adventurers in Japanese domestic dissensions, I have the honour to submit to your Lordship the propriety of taking steps to apply its provisions to this country, and to suggest that the Order might usefully contain clauses enabling the Consul to punish persons inciting or engaging others to take part in such civil dissensions, and to require recognizances from individuals in whom the intention to commit a breach of neutrality can be legally inferred from the evidence of their own acts or that of third parties.

I have, &c.

(Signed) CHARLES A. WINCHESTER.

Inclosure in No. 27.

Mr. Winchester to Acting Consul Gower.

Sir,

Yokohama, May 9, 1865.

SINCE my despatch of the 29th ultimo was written, Captain Applin was informed by a young officer whom he instructs in English, that two more adventurers, said to be Frenchmen, have joined Burgevine at Nagato.

Should you hear of any British subjects being disposed to follow this example, you will not fail to discourage such intentions, and to adopt every possible means to prevent them from being carried into effect.

The China Neutrality Ordinance does not extend to Japan; but you will not fail to enforce by the highest legal penalties any breaches of Regulations such parties or their abettors may commit, and warn them that in no circumstances will the interference of Her Majesty's officers be exerted for their protection.

I have, &c.

(Signed) CHARLES A. WINCHESTER.

No. 28.

Mr. Winchester to Earl Russell.—(Received July 17.)

(Extract.)

Yokohama, May 11, 1865.

THE present relations of the Tycoon's Government with the Prince of Choshu, the steps adopted by the latter to open independent relations with foreigners, and, through the aid of military adventurers, to maintain the position so taken up, the general desire of the Daimios along the shores of the Inland Sea, and the fulfilment of the requirements of the Convention of the 22nd October last, are all so connected with each other, and so mixed up in their bearing at the present moment, that their separate discussion is hardly possible.

The information which has been received since last mail leaves no doubt as to the determination of Choshu to open his port to trade rather than submit to the conditions this

Government wishes to impose upon him. The reasons influencing him can easily be divined; and the attitude assumed plainly speaks this language to the Tycoon: "It was in obedience to orders issued by you in June 1863 that I was led into the fatal error of firing on foreign flags. I have been punished by their squadrons while you looked on. You have concluded a subsequent Convention with their Ministers containing two alternatives, the opening of my port, or the payment of 3,000,000 of dollars. The former alternative is rejected by you, and the indemnity you prefer is to be provided from the dismemberment of my territories, and the destruction of my house. I will prove to the foreigners by my own acts, that I, at least, am ready to accept the other condition, and that you have no grounds in respect of this Convention for proceeding against me. My position is still the strongest in the country; I hold the key of the Inland Sea; and, rather than yield, I will at once open my port and call foreigners to aid me in maintaining my rights."

It is now known that three Japanese officers who went over with the "Monitor" and "Lancefield" to Shanghae at once proceeded to San Francisco, *en route* to Washington. Burgevine, along with two other adventurers, said to be either Americans or Frenchmen, are now in Nagato, drilling troops, &c., &c. Both the vessels spoken of went to Shanghae laden with rice, cotton, and other goods; and the "Monitor" took back munitions.

A Russian schooner, the "Dwina," has also landed a cargo of arms; and three or four other vessels whose flags or names have not yet reached me, are reported as having engaged in this new trade.

The three officials despatched by the "Gorogio" in the mail before last to Shanghae, for the purpose of inquiring into these proceedings, have reported that Choshu's delegates had interviews with various mercantile firms, and urgently invited them to commence operations, starting, I presume, directly from Shanghae as a base. All these facts are known to and admitted by the Government, and are evidently causing it the deepest disquietude.

In illustration of these views I have the honour to forward the inclosed documents.

The first effects of the naval operations were visible in our improved relations with the Tycoon's Government. But it required a certain lapse of time to appreciate their influence on the Daimios, with whom our means of intercourse are so circumscribed. But the proceedings of Choshu, and the unconcealed desire to open a port in the Inland Sea, are enough to satisfy my mind that these Princes, as well as the Tycoon, have at last reached the practical conclusion that foreign relations cannot be shaken off, and that since there is no escape from them they may as well make the best of them.

Moreover, in the eyes of the Japanese, the Tycoon's relations with foreign Powers have no legal sanction. Till he obtains such, he is in no position to forbid to others an intercourse which is still irregular.

Under these circumstances it requires no gift of political prescience to say that the Inland Sea will in no long time be the theatre of a desperate struggle, unless the Tycoon's Government have the good sense to avert it by entering into a compromise with the great feudal Chiefs.

At the time of the revolution which terminated in the extermination of the native converts, and the general expulsion of foreigners, the superintendence of the general defence of the country, and of such restricted relations as were still permitted to be kept up with the Dutch and Chinese, was committed to the Tycoon. It became a part of his constitutional prerogative, which, so long as there were only the insignificant exceptions referred to, no one could gainsay. Naturally, the Tycoon will not admit that his rights have been impaired by the enlargement of these relations, while the Daimios now aver that he had no right to go beyond the laws for his own exclusive benefit. If the system is to be changed, it must be for the general good.

In a former despatch I took occasion to state my opinion that nothing but active military pressure would extort from the Tycoon such an abandonment of his constitutional prerogative as is involved in an assent to the opening of a Daimio port. Choshu will not consent to the dismemberment of his dominions, and the other Daimios, incited by the hope of sharing profits of a commerce which has increased with such extraordinary rapidity, will no longer submit to exclusion. These diverging tendencies have existed since the opening of the trade; it only required the victory of Shimonasaki to impart to them an intense vitality.

It will not, therefore, be matter of surprise that this rapid development should have suggested the idea that some compromise is an absolute necessity, and that its successful adjustment will involve a modification of the stipulations of the Convention.

The Government is evidently much perplexed. A day or two ago a Governor of Foreign Affairs assured one of my colleagues that he was authorized to say that Hiogo would be opened, only the Tycoon must pay a preliminary visit to Miako.

It is clear that any compromise, to be satisfactory, must be based on a readjustment of the foreign position in Japan.

That the Daimios are willing to consent to such a compromise, there is no reason to doubt. Already some of them are understood to have memorialized the Mikado to place the foreign question on a safe and regular basis. I think it will be a great political mistake if foreign influence fails to help on this consummation.

Inclosure 1 in No. 28.

Extract of a Letter from ——— and ———, Retainers of Choshii.

AS you have probably heard from many sources, our clan last year had a fight at Kioto with Aidsoo and others, for committing which offence the old Prince of Owari and certain others advanced against the confines of our provinces with the army of execution. Then there arose amongst us violent discussions, and everything was thrown into confusion and disorder. At last it came to civil war, but now the provinces have returned to a state of tranquillity, and all parties, high and low, appear to be reconciled. Hitherto there had been a great number of stupid and ignorant persons in our provinces, who being quite in the dark as to the real state of Japan, still adhered always to the foolish old arguments. They were unaware of the daily progress of the Western nations in the arts, being like the frog at the bottom of the well. But lately they have learnt in battle (though small) the accuracy of the foreign mechanical contrivances; the ease with which these are transported from place to place. They acknowledge that they fall short themselves, and have begun to improve. The eyes and ears of the stupids having thus been opened, the question of opening the country to foreigners, or shutting ourselves up again, has become clear of itself, and there is very little difference of opinion on the subject.

Thus we have got rid of our domestic troubles; but what the orders of the Tycoon may turn out to be, causes us much anxiety. Truly, as you said in your letter, if peace could be made, the hearts of the people would be set at rest, and the toils of the soldier would come to an end. I think this would be most fortunate for all of us; but if it turns out unavoidable, I expect that we shall fight, which causes me unlimited grief. But the fact is this: since the year before last we have carried out the orders of the Mikado and the Tycoon. But now, wilfully forgetting this, they deny what they said before, and for slight offence they have resolved to destroy our clan. They want to conquer our country and make us submit; to inflict a severe punishment which shall be utter destruction. This bringing an army of execution against us, arises however, in my opinion, from the fact that our honesty and good faith have not been properly known and recognized.

April 6, 1865.

There is not the slightest appearance of anything being done at Hiogo to render it ready for opening it to foreign trade. The Governor who was appointed there never arrived, having been detached on some other duty. Aidsoo is still at Kioto.

Inclosure 2 in No. 28.

Memorandum by Mr. Siebold.

AT a period when the general desire of the Daimios is for trade and commercial relations with foreigners, it is worthy of note that the Tycoon's Government does not encourage or approve such liberal ideas.

The Daimios of Mikawa, Suruga, and Totomi, the greatest tea-producing districts, have applied for permission to send their produce directly to Yokohama, and sell it to foreigners without the interference of Government agents and spies, who by a system of troublesome rules and regulations impede all free trade.

The Government of the Tycoon has refused the request of these Daimios, and they are reduced to sell their produce under the existing unprofitable regulations.

Satsuma, on the other hand, being a powerful Daimio, appears to have pressed upon the Tycoon to such an extent that he has obtained the privilege of being agent to the Daimios of Kiusiu, Sikoku, and the central provinces, provided they will sell their produce to him.

As another proof of his power and influence, it is remarkable that the right of coining money, which has always been regarded as an attribute of sovereignty, has been allowed to Satsuma and Sendai.

The power of other Daimios who some years ago were regarded as very wealthy is rapidly declining. For instance, the Tycoon's Government has succeeded in curtailing the power of the Prince of Higo, and by a most ingenious system of feudal services has reduced him almost to bankruptcy. His last expedition to Choshu has left him with a debt of 2,000,000 itzebus, but nevertheless he has been charged with the defence of Kioto, which imposes on him an expense of 40,000 itzebus a month.

He has declared his inability to pay his debts, and his castle gates, both in Yeddo and in his province, have been closed, and he has been expelled from the society of Daimios for ten years. He, therefore, is not going to worship at the tomb of Gongsama, but will depute one of his vassals to go as his representative.

A large fire is reported to have destroyed a great part of Kioto. It is supposed to have originated by incendiarism in a tea-house.

Three members of the Gorogio have retired from public affairs, and a new one, Matzudaira Suwo no Kami, has been appointed.

Attempts are made in the provinces of Idzu and Kwanto to raise a standing army of peasants and labourers. One of the teachers of European tactics, called Egawa Tarosaimon, is to be placed at their head.

Inclosure 3 in No. 28.

Memorandum of a Conference held on the 2nd of May between Mr. Winchester and Shibata Hinga no Kami, Governor for Foreign Affairs, and Mukoyama Teigoro Ometzke.

AFTER the usual compliments, Her Majesty's Chargé d'Affaires said that he hoped that Shibata had communicated to the Gorogio the purport of the last interview, and the advice contained in the Memorandum written in Japanese, respecting the opening of Shimonasaki or Hiogo, reduction of the tariff, and the letter to be written from the Mikado to the Tycoon, adhering to the foreign Treaties as equivalent to a portion of the 3,000,000 dollars of indemnity money.

Shibata replied that he had done so.

Her Majesty's Chargé d'Affaires then said, that to-day he wished still more strongly to urge the necessity of opening Hiogo, or some other port in the Inland Sea, as certain events had happened which clearly demonstrated the desire of the Daimios for direct commercial relations with foreigners, and the expediency, in reference to the tranquillity of Japan, of opening a port in the Inland Sea; and that he wished to draw the attention of Shibata to the third clause of the Convention, entered into in London by the first Mission, on June 6th, 1862, when Shibata himself accompanied the Mission as Vice-Governor, namely:—"All restrictions whereby Daimios are prevented from sending their produce to market, and from selling the same directly by their own agents, to be abolished and done away with."

A part of the ill-feeling against foreigners on the part of these Daimios was, no doubt, owing to the restrictions and impediments to which the Government of the Tycoon subjected them when wishing to part with their produce; and that it became more and more evident that the Daimios of Kiusiu, Sikoku, and the central provinces, headed by Choshu, were anxious to enter into commercial relations with foreigners. That their agents had so spoken to Mr. Siebold during his stay at Nagasaki, and also to foreign merchants at that place; and that the following statements had appeared in the local papers here, being a proof of the general public opinion and expectation on the subject, viz. :—

"If reports be true, the local Daimios in the southern portion of Japan are all anxious to open their ports to foreigners, and to give them every encouragement and protection in their trading operations. A hope has been expressed among them that the Treaty Powers will make further Treaties with the Mikado direct, as they assert he would quickly consent to extend foreign trade all over the island. Prince Satsuma has planted 40,000 mulberry trees during the past year, a significant fact which shows his estimation

of foreign commerce. He is also making considerable preparations for the improved manufacture of sugar at the Loochoos; and, we are credibly informed, has engaged a Scotch overseer for the works there, and imported the latest improved machinery.

"Choshu is also greatly in favour of foreign trade extending to his ports; but he declares the Tycoon will not consent."

That he also wished to draw their attention to the fact, that the "Monitor," with General Burgevine on board, who had formerly been in the service of the Imperialists and gone over to the rebels, had left this port, gone to Choshu, and taken from there the "Lancefield," one of Choshu's steamers, over to Shanghai, and sold her there under a power of attorney from Choshu, and that now the "Monitor" was loading arms for Japan, probably for Choshu; and that a report prevailed that General Burgevine remained at Amakuchi, whilst others say that he had gone on to Amoy to join the Chinese rebels. That the American Minister had informed Her Majesty's Chargé d'Affaires that three of Choshu's officers, who came over in the "Lancefield" to Shanghai, had gone on to San Francisco, and were to proceed to Washington, with the intention of entering into a Convention. That probably the American Government would consult with Her Majesty's Government, and that Shibata could imagine the result when this news arrived in England at the same time with the information that not only was the Tycoon not going to open a port, but that an idea prevailed, erroneously the Chargé d'Affaires was willing to believe, to the effect that the Government intended to turn merchant, to buy up silk, and export it to one of the European States. Taken in connection with the fact that the Daimios were desirous of opening their ports, it could be easily imagined what impression these things, coming together, would make.

Shibata replied that he knew that if the Japanese Government was guilty of such an evasion of Treaty as the closure of the open markets in order to carry out its own arrangements, the most serious consequences would result, but that it was not exactly so.

Her Majesty's Chargé d'Affaires said that it was possible that as Envoys had gone to America they might also go to England; and while Her Majesty's Government was of opinion that there is nothing in our Treaties with the Tycoon preventing us from entering into commercial agreements with Daimios, the arrangements made after the affair of Kagoshima proved that neither Her Majesty's Representatives in this country nor the Government had any desire to embarrass the Tycoonate by a premature adoption of such a policy. On the contrary, it was the desire of Her Majesty's Government to see the authority of the Tycoon so increased and enlarged as to give him the effective control of the whole empire; but this was to be done by such a system of administration as had been explained to Shibata in a former interview—the encouragement of foreign trade, the formation of a standing army, the education of numerous officers abroad, &c., &c., by the Tycoon; in a word, placing himself in the van of the present movement, not in opposing it by petty restrictions which must ultimately fail.

Shibata then observed that Her Majesty's Chargé d'Affaires knew very well that the Tycoon was the constitutional sovereign of Japan, and no Daimios could act independently without his consent. That if Her Majesty's Government would enter into separate agreements with Daimios, it would much complicate matters, and be the cause of the ruin of the Tycoon, which he hoped was neither the wish nor the intention of the foreign Powers.

Her Majesty's Chargé d'Affaires replied that he had not shown the despatch, as if Her Majesty's Government had formed any intention to enter into agreements with Daimios, but merely to show that Her Majesty's Government was of opinion that there was nothing in our Treaties preventing us from doing so, and that he had brought this forward to point out to them the necessity of the Tycoon opening a port in the Inland Sea, as otherwise some of the Daimios would do it themselves.

Shibata Hinga no Kami observed that he had reported to the Gorogio the purport of the last interview, and the good advice contained in it, and that he had been charged to thank Her Majesty's Chargé d'Affaires for the interest he had shown by giving them his views on the subject, and that although they approved of the plan for the opening of Hiogo, as unfortunately new and serious troubles had broken out in Choshu, it would necessitate the Tycoon's departure there at the head of his troops as soon as possible; and as they had in any case to pay a certain indemnity, they would pay the first instalment, and again enter into negotiations after the affairs of Choshu had been settled.

Her Majesty's Chargé d'Affaires said that the advice he had given them was in the interest of the Tycoon's Government, and that it was for them to decide whether they would accept it or not; and that in case they desired any more information on the subject, they could despatch Takemoto and Shibata; or that as he would probably visit Yeddo in the course of this month, he would see the Gorogio; and be happy to discuss the subject and give them any information on this important subject.

Shibata replied that on his return to Yeddo he would report to the Gorogio what Her Majesty's Chargé d'Affaires had said.

After some discussion about a new temporary place of residence for the Legation in Yedo, and inquiries about the progress in the conviction of the second murderer of Major Baldwin and Lieutenant Bird, the interview closed.

Inclosure 4 in No. 28.

Précis of Interviews between Mr. Winchester and Shibata Hiunga no Kami, Governor for Foreign Affairs, and Mukoyama Eigoro, Ometske, on the 4th, 10th, and 20th April, 1865.

ON the 4th of April, 1865, Her Majesty's Chargé d'Affaires informed Shibata that he had heard various rumours relative to the effect that the Japanese Government had come to a decision respecting the Convention of the 22nd of October, but that as Her Majesty's Government had not yet sent out any instructions, Her Majesty's Chargé d'Affaires wished to postpone moving in this matter, for he had reason to believe that, consequent upon consultation with Her Majesty's Minister, these instructions would be sent out, or Her Majesty's Minister would himself return; indeed, Her Majesty's Chargé d'Affaires had been instructed to expect his arrival next month.

At the interview of the 10th of April, Her Majesty's Chargé d'Affaires informed Shibata that he had received the letter of the Gorogio on the 6th, informing him that they had decided not to open Shimonasaki, or other eligible port in the Inland Sea, but to pay the indemnity. That this hurried decision on the part of the Gorogio was much to be regretted just at the moment when the Daimios of Kiusiu, Sikoku, and along the borders of the Inland Sea, were all longing for the opening of some port in that quarter; and as the Japanese Government could not have been called upon to declare itself until the arrival of the ratifications and instructions from all the foreign Governments, that it was rather surprising that the Representative of the nation who had so much to do with the making of this Convention should not have been consulted, as he otherwise would have told them that the opening of Hiogo, instead of Shimonasaki, as equivalent to a part of the indemnity, might have been offered without impropriety, and that undoubtedly such a proposal would be taken into consideration by the foreign Governments, whose object, as declared in the Convention, was not to gain money, but the desire of placing relations on a mutually advantageous footing.

Shibata replied, that they finally intended opening some port: but as the affairs of Choshu had not yet been settled, and the Mikado had not yet given his written consent, it was impossible to do so at this moment; that in order to show its sincere intention to carry out the Convention, the Japanese Government would pay the first instalment; and therefore requested an extension of a year for the next instalment, in order that by that time a more favourable state of affairs might allow the opening of a port.

At the interview of the 20th of April, Shibata said he was charged by the Gorogio to express their regret for not having consulted Her Majesty's Chargé d'Affaires on this matter before coming to a final decision.

Her Majesty's Chargé d'Affaires said, that if he had been consulted, although he had not received any instructions, he would not have declined to give an opinion upon the subject, and tried to point out to them how ill-advisedly they were acting in attempting to shut out the Daimios from all interest in the profits of the foreign trade; that, on the contrary, the best means of pacifying them was to let them and the Mikado also share its benefits and derive advantages from the new state of things; that the same system of rule by feudal nobles and semi-independent princes had existed centuries ago in France and in England, but that the Governments had gained and supported their position by the establishment of a standing army, and not by restricting the commerce or intercourse of their subjects, but by encouraging the formation of a middle class, and that he highly recommended them to follow this course; to send young men to Europe to be educated there; and to study the conditions on which strong and homogeneous administrations can alone be sustained. These views were illustrated by historical references, and were listened to with evident interest, and several very pertinent questions put as to the points not at first understood.

Mr. Winchester to Earl Russell.—(Received July 17.)

My Lord,

Yokohama, May 13, 1865.

IT is with great satisfaction that I continue to report that our general and commercial relations in Japan are of the same satisfactory character as has prevailed since the commencement of the year.

I have not received any further report of the progress of the judicial inquiry on the Japanese arrested for the murder of the two British officers on the 22nd of November last.

I have, &c.

(Signed) CHARLES A. WINCHESTER.

Sir J. Milbanke to Earl Russell.—(Received July 21.)

(Extract.)

The Hague, July 17, 1865.

I COMMUNICATED the contents of your Lordship's despatch of the 12th instant, soon after I received it, to the Netherlands Minister for Foreign Affairs, and subsequently, at his request, gave him, in writing, an extract of that part of it in which are enumerated the three conditions upon which Her Majesty's Government would consent to remit two-thirds of the indemnity due from the Japanese Government to the allied Powers, under the Convention of the 22nd October, 1864.

M. Cremers observed that, in point of fact, your Lordship's proposal reposed upon the same principles as had hitherto guided the opinions of this Government; and he would, he said, be willing to accede to them at once, if he could but bring himself to believe that, should the Tycoon even be persuaded to adopt them, they would be honestly carried out. His Excellency thinks it by no means unlikely that the Mikado would flatly refuse to ratify the arrangement concluded by the Tycoon with the Treaty Powers; and, at any rate, he fears that the latter would have no real security against the duplicity of either or both rulers. He entertains the same doubts in regard to the execution of the obligation to be imposed on the Japanese Government to effect a reduction in the imports and duties levied in that country in future; and is rather apprehensive that means would always be found to evade them.

After some further conversation in the same sense, I asked his Excellency if I were then to consider that the Netherlands Government was inclined to give the preference to the literal fulfilment of the Agreement of October, and insist on the liquidation, by quarterly instalments, of the whole indemnity of 3,000,000 dollars, as therein covenanted, and quietly await the termination of the period fixed by the Treaty for the opening of the port of Hiogo and the city of Osaka.

To this question M. Cremers replied in the negative, and proceeded to recognize the advantages which an earlier admission to these emporiums of trade would confer upon foreign commerce, should it really prove attainable, and which he remarked would amply compensate for the abandonment of two-thirds of the indemnity. In conclusion, and in answer to a further inquiry on my part, his Excellency gave the assurance that, in the event of the other Powers agreeing to make the essay suggested in your Lordship's despatch, this Government would be quite ready to join them.

Earl Russell to Mr. Winchester.

Sir,

Foreign Office, July 24, 1865.

HER Majesty's Government approve the views contained in your despatch of the 11th of May.

You will see by the copy of my despatch to Her Majesty's Representatives at Paris,

the Hague, and Washington, herewith inclosed,* that Her Majesty's Government wish to remit any further payment of indemnity under the Convention of October 22, 1864, provided certain terms, of which the principal are the opening of the port of Hiogo and city of Osaca, and the assent of the Mikado to our Treaties of Commerce, are agreed to.

It may happen that France, the Netherlands, and the United States prefer the payment of the indemnity. In that case you will report the circumstance to Her Majesty's Government.

Every effort ought to be made, however, to induce the Representatives of the Powers, parties to the Convention of October 22, 1864, to concur with the British Government in preferring the extension of commerce, contemplated in the original Treaty of August 26, 1858, to the exaction of the indemnity contemplated in the Convention.

It is but just that the great Daimios should partake of the benefits of a commerce which is so beneficial to Japan and so profitable to the Tycoon.

You will state to the French, Dutch, and American Ministers the substance of this despatch.

I am, &c.
(Signed) RUSSELL.

No. 32.

Earl Russell to Mr. Winchester.

Sir,

Foreign Office, July 26, 1865.

WITH reference to my despatch of the 24th instant, I have to state to you that the Prince de la Tour d'Auvergne has communicated to me a copy of a despatch addressed to him by M. Drouyn de Lhuys on the 22nd instant, of which the following is the substance.

The French Government continue to prefer the payment of the indemnity by the Government of the Tycoon to the proposed compensations, and likewise consider that there is no pressing interest which demands, and that it would not be opportune at present to ask for, the opening of Hiogo and Osaca, and that it is preferable to wait until the expiration of the stipulated delay leaves no pretext for the Japanese Government to refuse it. The French Government cannot doubt, in fact, to judge from the repugnance which the Japanese Government has evinced on this subject, that such a request would now again occasion serious difficulties. They can even foresee an absolute refusal on their part to accede to it. In this case the proposal of the Cabinet of London would in the end lead to war, the only method of reaching the end in view. Now the interest of foreign Powers prompts them, as the French Government consider (and they have no doubt that such also is the opinion of the British Government), to apply themselves rather to maintain the Government of the Tycoon in the disposition by which he shows himself actuated at present, and to try and avoid any new conflict.

The Government of France cannot, so far as they are concerned, think of engaging in an enterprise of which the results would not be proportioned to the sacrifices which it would impose, and it is their duty not to expose themselves to such an eventuality.

From the moment, moreover, when the Cabinet of Yeddo decided, as they had a right to do, for the payment of a pecuniary indemnity, no grounds remained for imposing on them another manner of acquitting their obligations. The choice alone was left of refusing or according the delay which the Government of Japan solicited for the second payment of the indemnity. No doubt it is permissible to again raise the question whether the Japanese Government act in these proceedings with entire good faith. Perhaps their conduct is only a plan for adjourning or eluding the satisfaction which they are bound to accord; the tendency which they have often displayed to have recourse to such a policy authorises the supposition, but it is possible, especially after the crisis which they have just passed through, that they may have a certain difficulty in making the payments at the times fixed by the Convention of October last. There are no tests by which to arrive at a positive opinion on this point. The Representatives of the four Powers in Japan would be better situated for forming a correct judgment of the true motive which has caused this request of the Japanese Ministry. The French Government, therefore, consider that it would be better to leave to the foreign Representatives the duty of unravelling these motives, and to decide accordingly on the course they should pursue. If they have proof of the intention of the Government of the Tycoon to seek to disengage themselves from the obligation they have contracted, the Representatives would have to insist upon the strict execution of the Convention; should

the case be otherwise, they might be authorised to accord a delay for the payment of the second portion of the indemnity, it being understood that it is desirable that such delay should be as short as possible.

The manner of carrying out the Convention raises another question. The Convention does not determine where the payments of the sums due from the Japanese Government are to be made. No doubt it was intended that it should be in Japan, as it is there that the first payment has been made, and there is no objection on the part of the French Government to such a course being adopted; but instructions have now to be sent to the respective Representatives, whose duty it has been to see to the receipt of the payments, with regard to their disposal. As the partition of the indemnity ought to be decided by the Governments interested, and not by their Agents in Japan, it would be necessary that the sums received should be sent collectively to some place in Europe, where the distribution could afterwards take place.

The Agents of the four Powers in Japan have agreed to leave to their Governments the partition of the indemnity. The French Government have no fixed views on the matter, and confine themselves to pointing out what appears to them to be an equitable manner of proceeding. The Americans have called attention to the moral influence which the joint action of the four Powers exercised, independently of the force employed—a moral influence of which it is right to take account, inasmuch as it contributed to the prompt and favourable solution which was arrived at, and which should be considered as influencing the partition. Although of opinion that the degree in which the different flags participated in the operations which preceded the Convention should be the principal basis on which to calculate the distribution, the French Government admit that other considerations should be taken into account. It cannot be denied, that besides the warlike operations, in which the respective forces took a very unequal share, the good understanding which prevailed amongst the Governments, and their joint action, produced a salutary impression on the Japanese, and thus contributed to the success of the enterprise. This consideration, which the Americans have called attention to, ought, the French Government consider, to be taken into account.

It might then be decided that two-thirds of the indemnity, that is to say, 2,000,000 dollars, should be divided amongst the four Powers interested in proportion to the force which they devoted to the joint proceedings. From the remaining million, there would first have to be deducted the sum of 140,000 dollars, to which the four Representatives in Japan have declared in a memorandum that France is entitled, as the indemnity stipulated in her separate Convention with the Japanese Ambassadors who came to France last year. In the same document it is also agreed that the United States and the Netherlands may claim compensation for the aggressive acts committed against the vessels of those two countries. As the 140,000 dollars allotted to France forms the compensation for the attacks on the shipping of that country, it may be presumed that the claims of the United States and the Netherlands might be equitably fixed at a like sum of 140,000 dollars each. The remainder, that is to say, 580,000 dollars, would be left for distribution amongst the four Powers.

M. Drouyn de Lhuys concludes by repeating that the proposals thus made by the French Government for the distribution of the indemnity are to be considered only as indicative of the basis on which they consider that the partition might be calculated, and not as their definitive opinion.

I am, &c.
(Signed) RUSSELL.

No. 33.

Sir J. Milbanke to Earl Russell.—(Received July 28.)

My Lord,

The Hague, July 26, 1865.

IN my despatch of the 17th instant, I reported the substance of a conversation with the Netherlands Minister for Foreign Affairs, on the subject of your Lordship's suggestions in regard to the period within which the Japanese Government ought to acquit the debt contracted towards the Treaty Powers when it adopted the alternative of payment of the indemnity fixed by the Convention of the 22nd of October last; and I have now the honour to forward copy of a note from his Excellency, which invests the verbal assurances given to me with a formal character, by announcing that

instructions in the sense desired by Her Majesty's Government have been sent to the Netherlands Political Agent in Japan.

I have, &c.
(Signed) J. R. MILBANKE.

Inclosure in No. 33.

M. Cremers to Sir J. Milbanke.

La Haye, le 24 Juillet, 1865.

LE Soussigné, &c., a l'honneur de porter à la connaissance de Sir J. Milbanke, &c., qu'il vient d'envoyer à l'Agent politique des Pays Bas au Japon des instructions conformes aux propositions contenues dans la dépêche de son Excellence Lord Russell du 12 Juillet, dont Sir J. Milbanke a bien voulu lui donner lecture.

Le Soussigné, &c.

(Signé) E. CREMERS.

No. 34.

Earl Russell to Sir F. Bruce.

Sir,

Foreign Office, July 29, 1865.

WITH reference to my despatch of the 22nd instant, I transmit to you herewith, for your information, copy of a further despatch addressed to Her Majesty's Chargé d'Affaires in Japan.*

I am, &c.
(Signed) RUSSELL.

No. 35.

Earl Russell to Mr. Winchester.

Sir,

Foreign Office, August 2, 1865.

WITH reference to my despatch of the 26th ultimo, I transmit to you herewith, for your information, copies of further correspondence relative to the affairs of Japan.†

I am, &c.
(Signed) RUSSELL.

No. 36.

Mr. Winchester to Earl Russell.—(Received August 6.)

(Extract.)

Yokohama, May 26, 1865.

I HAVE the honour to solicit your Lordship's attention to the tenor of an interview with the Vice-Minister, Tachibano Idzumi no Kami, on the 21st instant.

This officer was specially deputed by the Gorogio to see me, in reference to the matters which formed the subject of our Conference, and returned immediately to Yeddo, though strongly urged by me to visit the other Representatives.

I have no doubt the considerations which led to this step on the part of the Japanese connect themselves with apprehensions based on the visit of Choshu's officers at Nagasaki.

I trust that the language employed by me on this occasion has been such as will receive your Lordship's approval. I was throughout anxious to impress the idea that we saw no convenience or advantage in multiplying relations with various Princes; that it would suit best our own views of convenience if the superintendence of foreign relations remained vested in one Power; and that we were ready to fulfil the obligations of our Treaty with the Tycoon under all circumstances. At the same time I did not think it right to conceal my conviction that the simultaneous movement of the Princes towards trade was one to be regulated and not crushed, and my earnest wish that some compromise

* No. 31.

† Nos. 26 and 33.

embodying a liberal policy in that respect, and fully sanctioned by the Mikado, might save Japan from the horrors of civil warfare. I assured my visitor that the sympathy and goodwill of Her Majesty's Government were with that of the Tycoon, and repeatedly said that if there was any particular step by which they wished this to be manifested, I should be well satisfied to find myself, in considering it, able, consistently with the rules laid down for the conduct of Her Majesty's Agents, to comply with their request.

There cannot, my Lord, be any doubt that the revolution which the existence of foreign relations with this country necessarily implies, has received a most remarkable impetus from the victory at Shimonasaki. Change in the relations of the estates forming the Japanese system of polity and Government has from the first been as unavoidable as change in the antecedent relative values of the precious metals. Silver could not in the face of the world remain at 200 per cent. above its real worth as compared with gold. The monetary revolution, indeed, came at once because it was hurried on by the daily transactions of life. In the same manner, but more tardily, the exclusion by the Tycoon of the quasi independent Daimios from the profits of trade has proved itself impossible and unsustainable on the present footing. They are bound to share in it in any case, either on an independent footing, or by some regulated compromise. It is in the genius of this people and of the Chinese to find out the means of settling these points amongst themselves readily enough. We know too little of the interior working of their singularly constituted system to be able to divine the steps by which the result may be attainable; but a principal care on our part must be to prevent its being delayed or arrested by any of the fanatical impulses against foreigners to which there will not be wanting many instigations. To this end the presence of powerful material support and the determination to be ready to rely upon it, as a last resort, will for some years to come be the basis on which a successful representation of Her Majesty's interests and the real happiness of Japan itself must depend.

In the course of the interview the Vice-Minister informed me that a mission was about to be despatched to Europe, and introduced as an Envoy Shibato Hiunga no Kami, Governor of Foreign Affairs, and Vice-Governor in the mission which your Lordship saw in 1862. I did not feel justified in saying anything to discourage the intention, and observed that no one could be personally more agreeable to Her Majesty's Government than Shibato. I inquired as to the names of the other Envoys, and the period at which they were likely to start, but was answered that nothing more had been determined. I rejoined that if the mission did proceed to England, Her Majesty's Government would no doubt comply with any request they might make for aid or advice.

At a visit paid to M. Roches two days afterwards, he informed me that Shibato had also announced himself in his new functions, and that he was to be provided with direct credentials and letters from the Tycoon to the Sovereigns of Europe. M. Roches advised him to content himself with such introductions as would give him ready access to and consideration with the European Ministers and Governments, instead of affecting the pomp and seeking the reception of a special Embassy, which the Governments in Europe would be indisposed to consider adequately constituted unless presided over by a Daimio of hereditary rank, whereas the position of Shibato is simply that of an able and active employé.

This counsel was judicious, and I gladly assented to the considerations on which it was founded.

No. 37.

Mr. Winchester to Earl Russell.—(Received August 15.)

(Extract.)

Yokohama, June 10, 1865.

I HAVE the honour to forward, for your Lordship's information, copy of a despatch from the Gorogio, informing me that the Tycoon will this day pass through the village of Kanagawa on his way to the Inland Sea, with the view of directing the movements of the military expedition against Choshu.

The preparations made for this campaign are said to be very extensive. A Memorandum gives the whole force as 60,000 men, but this number must be taken to include camp followers, attendants, &c. (always constituting a large proportion of Asiatic armies), as well as fighting men. Several thousands are said to be armed and drilled in European fashion, and to have made a very imposing appearance at a great review which took place at Yeddo three days ago. One or two of the battalions are reported to wear red jackets.

The godowns and shops of Yokohama have been emptied of every gun, rifle, pistol,

and keg of powder which was for sale. All the disposable canvass has been bought up for tents.

While I am still inclined to hope that an arrangement not involving the commencement of civil hostilities will be the result of this expedition, the extent and completeness of the preparations lead one to expect a recourse to warfare in the last resort.

Coincident with this impression are questions with reference to the possible continuance of unauthorized trade with the dominions of the insurgent Prince, whether in general goods or contraband of war, and the possible interruption of the legitimate navigation of the Straits.

The assurances conveyed through Shibato, and statements made to my other colleagues, induce me to think that there is no formed intention on the part of the Tycoon's Government to interfere with the passage of foreign vessels. At the same time it is obviously desirable that means should be taken to prevent vessels coming within the circle of actual hostilities, and to lessen the chances of collision in connection with any measures adopted by the Tycoon's officers to arrest unauthorized trade.

On these points I conceived it my duty to enter into communication with the Representatives of the other three Powers. M. Roches, whom I first consulted, in taking the same general view as those which had occurred to myself, suggested the Representatives should meet to interchange their views of the situation, and accordingly I wrote to the Netherlands' Consul-General and United States' Chargé d'Affaires now residing at Yeddo, but have as yet received no definitive answer from these gentlemen.

It would, of course, be perfectly competent for the Consul-General to frame now, or at any future period if expedient, a rule or regulation under the Order in Council of the 7th January, 1864, declaring the passage of the Straits interdicted to all but Her Majesty's ships. Such regulation would not come into force till a month after date, and in view of the possibility of actual hostilities, its mere promulgation without the presence of a ship of war in the neighbourhood to enforce obedience would be of little avail. I confess also that I am inclined to delay such a step until the necessity of taking it is clearly shown, or until some formal demand of a tantamount nature is made by the Gorogio. In a country like Japan the voluntary restriction for a time of so important a privilege as the navigation of the Straits, opened after a closure of fourteen months by a great expedition, is not desirable if it can be avoided, and I propose previously to submit to my colleagues such considerations as are indicated in the following paragraphs:—

1. That it appears desirable under present circumstances to arrange for the occasional, or if circumstances shall render it necessary the continuous, presence of a naval force in the vicinity of the Straits of Shimonasaki with the view of keeping open the Straits for legitimate purposes of navigation, and by the moral effect of their presence lessening the risks of collision likely to grow out of unauthorized commerce.

2. The position to be assumed by any ship or ships of war to be one of pure observation and absolute non-intervention as regards hostilities in progress, and the station to be taken up to be such as in no way to interfere with the military movements of the hostile parties.

3. No obstacles or hindrance to be offered to the arrangements of the Tycoon's officers for arresting, in virtue of the Treaties, unauthorised trade, while the commanding officers on the spot would be able to judge whether the measures were reasonable in themselves, and the requisite force for carrying them into effect employed with no undue violence.

4. In case of the passage of the Straits being for the moment dangerous in consequence of the progress of actual conflict, the commanders of any ship of war present in the neighbourhood of the Straits to warn and dissuade foreign merchant-vessels generally from passing within the lines of military operations in progress, and if so empowered, to prevent merchant-vessels belonging to their own flags from doing so.

It appears to me that the result of action based on such considerations would be in effect the same as that involved by the promulgation of a restrictive regulation under the Order in Council referred to.

Inclosure 1 in No. 37.

The Japanese Ministers for Foreign Affairs to Mr. Winchester.

(Translation.)

WE beg to inform you in writing that His Majesty the Tycoon will proceed tomorrow, the 16th of this month (June 9th) from Yeddo along the tokaïdo, with the view

of defeating and pursuing Nagato and Suwo, and that Bungo-no Kami, and Soowo no Kami, and Tachibana Idzoomi no Kami will accompany His Majesty.

With respect and consideration.

15th of 5th month, 1st year of Kei-on (June 8, 1865).

(Signed)

MIDZOONO IDZOOMI NO KAMI.
ABE BUNGO NO KAMI.
MATSUDAIRA SOOWO NO KAMI.

Inclosure 2 in No. 37.

Memorandum regarding the Departure of the Tycoon to Choshu's Territories.

THE Tycoon will leave on the 16th of June for Kioto and Osaki. The forces, naval and military, will be assembled in that neighbourhood. As soon as they can reach Shimonasaki Nagato's palaces will be attacked, and the Tycoon's ships will destroy the junks. Property of every description found in Nagato's country will be held to be fair prize.

(Signed)

C. A. WINCHESTER.

Memorandum.

THE force to be despatched against Choshu is said to amount to 60,000 men, consisting chiefly of men armed in the native fashion. It contains a body of 600 men drilled in European fashion, and a few Cavalry. The pay of an ordinary soldier is two koku of rice (35 itzebus) per month. The officers receive an outfit at the rate of 120 itzebus per 100 koku of nominal revenue. The army is composed entirely of Tycoon's and Fudai Daimio troops, commanded by Ji Kamon no Kami. The Envoys sent by the Tycoon to convey his ultimatum were unable to enter the dominion of the Prince, and have returned to Osaca without in any way attaining the object of their mission.

June 5, 1865.

Extract from the "Japan Herald" of June 10, 1865.

THE MARCH OF THE TYCOON.—The Tycoon passed through Kanagawa to-day. The exceeding promptness of the foreign authorities in adopting a portion of the suggestion of our correspondent, "*Sera nunquam est*," whose letter appeared in our daily issue of the 6th instant, secured for foreigners the privilege of witnessing his procession. It was notified by circular and by advertisement this morning that an application having been made to Yeddo, permission had been granted, and a spot selected for the purpose. From 9 o'clock A.M., therefore, until 2 P.M. there was a continuous stream of foreigners from Yokohama to their appointed rendezvous. A great number had determined to make a regular pic-nic of it, and a better locality could hardly have been selected. It was on a small knoll under the shadow of fine umbrageous trees, and separated from the tokaido by about half a stone's throw, at a spot where, for 150 yards, there was a cessation of buildings, and consequently an uninterrupted view. To those who arrived early, the uncertainty of seeing anything, and the idea that the straggling parties of soldiers or baggage carriers might be all that would be seen, was a little tiring—for the army of the Tycoon marches very differently to European armies. Armed retainers of Daimios walk along apparently without object—sometimes in two and threes—and even sometimes singly—and appear to be only strollers along the road. The baggage is carried by coolies in the ordinary manner that private gentlemen have their personal baggage conveyed, but except that the stream was a little more continuous, it hardly indicated anything very much out of the common. At last, however, a clearing of the road, by order of the Vice-Governor of Kanagawa himself, who arrived on horseback, put every one on the *qui vive*. It was a pleasant incident, too, that the people were driven away specially, who would have interfered with the foreigners' view. The Vice-Governor then dismounting, remained there until all was passed. At 10 minutes past 2 a distant beating of drums was heard, and shortly forth came the vanguard. Two drummers in front, the chief officer of the Infantry body-guard on horseback following, then several small field howitzers, drawn by single led ponies. Then came a regiment of about 600 men, 4 deep, armed with Enfield rifles and bayonets. Their dress

was a hybrid between Japanese and European. The trowsers were of the latter cut, only loosely tied round the ankle, the rest of their costume being Japanese. They were in heavy marching order, with knapsacks, and each had drinking utensils, &c. They marched with the utmost regularity, and showed at least good drilling to that extent. They were followed by another regiment preceded by about twenty drums. Their dress and arms were purely Japanese, and the variety of colour of their tunics made a very pleasing sight. The more immediate body-guard followed, first a large lacquered box, containing the arms of the Tycoon; this box as it passed was kow-towed to by many of the officials. Then a cavalcade of about twenty horsemen—all high officials, amongst whom was the Tycoon. He was pointed out as a young man riding in the centre of the cavalcade, his surcoat buff colour, embroidered with gold, with a large crest on the back.

The one circumstance that leads us to believe that it was actually he, is the fact that the Vice-Governor kow-towed to him, bending his forehead to the very ground. This, to us, seemed confirmatory of the assertion of the Japanese Custom-house interpreters, who pointed him out to us at first. The procession, after the passage of the Tycoon, gradually became more straggling and less interesting, and all came to an end by about 10 minutes to 3. On the whole it was a sight that, "in this dull place," everybody ought to have seen, and almost everybody did witness. We have referred to the signature of our correspondent of the 8th instant, and if we can read that signature aright, we are afraid that, after all, he changed his mind, and instead of making one to go on the *tokaido* in spite of "their silly prejudices," he allowed his curiosity to get the better of him, and witnessed the procession with other sensible people, at the expense of his self-respect.

No. 38.

Earl Russell to Sir H. Parkes.

Sir,

Foreign Office, August 23, 1865.

THE reports recently received by Her Majesty's Government from Japan, lead to the conclusion that a great social revolution is taking place in that country, and that a civil war may be the consequence.

It would seem that these internal commotions arise almost exclusively from the relations which have of late years been established between Japan and foreign nations. Whilst the long established policy of the Japanese Government, which rigorously excluded all foreigners from Japan, was maintained, the great feudal Lords, or Daimios, and the population at large, seem to have acquiesced in the form of government which had existed for centuries in the country, and which involved the most complicated relations between the Mikado and the Tycoon. But the Treaties recently concluded by the Tycoon with foreign Powers, and the intercourse between Japan and the outer world, to which these Treaties have given rise, have led to fundamental changes in the condition of the country, and, apparently, in the opinions and policy of the Japanese Government, and of the Daimios.

When Lord Elgin went to Japan he found the Tycoon the *de facto* sovereign of the country, to whom obedience was generally yielded, and who appeared to possess the power, as representing the Japanese nation, to enter into Treaties with foreign States. Accordingly the Treaty which Lord Elgin concluded was signed and ratified by the Tycoon. It was not until some time later, when the Representatives of foreign countries in Japan were brought into more intimate relations with the Japanese Government and the Japanese people, that it was discovered that there was a still higher power than that of the Tycoon, that the authority wielded by that Prince was delegated to him by a spiritual Emperor, called the Mikado, and that there were great feudal lords who, superior to the Tycoon in rank, only obeyed him when he had the means of enforcing obedience.

It is held by some of the Japanese that a Treaty with the Tycoon in order to be binding must be ratified by the Mikado. Upon this point the most contradictory assertions have been made by the Japanese themselves. Prince Satsuma, however, fully asserted the Treaty making power to reside in the Tycoon.

Her Majesty's Government have assumed, as they had a right to do, that the Tycoon was in possession of the supreme authority in Japan, that he had the power to enter into the Treaty concluded with this country, and they have held him to be bound by it. In carrying out the stipulations of that Treaty they have acted in strict good faith towards the Tycoon, and in consenting to a modification of its terms they have accepted the representations, and have taken into consideration the alleged difficulties of his Government. It

was in this spirit that they agreed, in conjunction with the Governments of France, the Netherlands, and of the United States, that the opening of the ports of Nee-e-gata and Hiogo and the city of Osaka to foreign trade should be deferred.

On its part the Government of the Tycoon has from the first expressed its desire to fulfil its Treaty engagements, but has declared its inability to do so to the full extent owing to the opposition of the Japanese people, who, it alleges, look with jealousy and aversion upon foreigners, and to the ill-will of some of the most powerful Daimios who, it is declared, are opposed to all intercourse with foreign States, and who are too strong to be coerced by the Tycoon. The murderous attacks upon foreigners, and the aggressions upon foreign shipping in the inland sea, which seemed to warrant these assertions of the Tycoon's Government, gave rise to the successful expeditions against the strongholds of the Princes of Satsuma and Nagato.

It was only after the defeat of those two powerful Princes that doubts arose as to the truth of the statements put forward by the Tycoon's Government. Both Prince Satsuma and Prince Choshu, immediately after the destruction of Kagosima and Shimonasaki, sent Agents with friendly overtures to the European Representatives in Japan. They declared that in attacking foreigners and resisting all intercourse with them, they were acting under the orders of the Tycoon, and that they were not opposed to such intercourse; but that, on the contrary, they were ready to open their ports to foreigners, and were only prevented doing so by the Tycoon, who desired to have the monopoly of the foreign trade, and to exclude the rival Daimios from any share in it. These statements receive confirmation from the course recently pursued by the Princes of Satsuma and Nagato, who have shown every desire to enter into the most friendly relations with the Representatives of foreign Powers in Japan, and have sent young men to this country for education, and officers to enter into confidential communication with Her Majesty's Government.

Her Majesty's Government will adhere in good faith to the stipulations of the Treaty entered into with the Tycoon. But they cannot forget that, owing to the representations of the Government of the Tycoon, which are now stated to have been unfounded, they have already delayed to claim the rights conferred by that Treaty upon British subjects to trade with certain ports in Japan; and that, when the Government of the Tycoon, after the destruction of the forts of Shimonasaki, had the option of either paying an indemnity, or of opening at once the Port of Shimonasaki, or some more eligible port in the vicinity of the Straits to foreign trade, it chose the payment of the indemnity. So long as Her Majesty's Government believed that there was danger to the Tycoon's Government, owing either to the jealousy of the Daimios, or to the prejudices of the Japanese people, in permitting foreigners to trade with the ports mentioned in the Treaty, Her Majesty's Government were willing to allow their Treaty rights to remain for a time in abeyance. But it would now appear that there is really no such danger to the Government of the Tycoon, and that the opening of other Japanese ports would be hailed with much satisfaction by several of the most powerful Daimios, and by the Japanese people. Whilst the principal Daimios are ready to open their ports to a lucrative and important British trade, Her Majesty's Government are unwilling to submit to the total exclusion of Her Majesty's subjects from those ports upon insufficient grounds.

Her Majesty's Government are, however, anxious to know whether the representations thus made to them agree with your own observations made on the spot.

You are therefore instructed, in conjunction with the Representatives of France, the Netherlands, and the United States, and also in communication with the Gorogio, to ascertain the real state of affairs. You will understand, that Her Majesty's Government would prefer a large and healthy extension of commerce, as stipulated by Treaty, to the payment of money indemnities. But, if the Tycoon prefers the payments, those payments must be made at the times stipulated in the Convention. In no case can Her Majesty's Government allow that the Tycoon's Government should spend its resources in ships, cannon, and armaments while the payments stipulated by the Convention are delayed upon frivolous and dishonest pretexts.

I wait anxiously your reply to this despatch, and shall be ready to place the most entire confidence in your statements as to the real state of affairs.

I am, &c.
(Signed) RUSSELL.

Mr. Winchester to Earl Russell.—(Received August 27.)

My Lord.

Yokohama, June 23, 1865.

IN my despatch of the 10th instant I had the honour to inform your Lordship that it was my intention to suggest to the Representatives of the other three Powers, parties to the Convention of the 22nd of October, 1864, the holding of a Conference on the questions likely to connect themselves with the expedition of the Tycoon against the Prince of Nagato.

The proposed meeting took place at the French Legation on the 21st instant, when a joint Minute was agreed to and paraphrased, copy of which is inclosed.

The principles embodied in the Minute may be stated briefly as :—

1. The maintenance of the free navigation of the Straits ;
2. Absolute non-intervention in the civil hostilities which may ensue ; and
3. Support, as required by Treaty, of measures employed by the Tycoon for the suppression of illicit trade, and especially of contraband of war during hostilities.

Consequent on the adoption of the Minute, I addressed a communication to Captain Luard, R.N., requesting that the naval commander at Nagasaki might be reinforced by an additional ship of war, so as to place the Senior Officer there in a position to effect the objects of the Minute, by the occasional or continuous presence of a ship of war in the vicinity of the Straits, as might be found advisable.

By last mail I received from your Lordship a despatch informing me that the new Order in Council provided powers for the suppression of trade in contraband during the existence of civil warfare ; but no copy of the document itself has reached me.

I had, however, previously given the point careful consideration, and came to the conclusion that all the powers required were created by Article XVIII of the Treaty, the 5th paragraph of the Regulation II attached to the Treaty, and sections 32 and 33 of the Order in Council of the 23rd January, 1860. I therefore prepared a separate Memorandum for the use of the Senior Naval Officer, based on this view, as to the action to be taken (copy inclosed), the tenor of which will, I trust, meet with your Lordship's approval.

Being aware that one or more English firms in Nagasaki had entered into active trading relations at Shimonasaki, I considered it desirable to issue a public notification warning Her Majesty's subjects of the risks of illegal traffic, two printed copies of which are herewith inclosed.

Copies of the above documents have also been forwarded officially for the guidance of Mr. Acting Consul Gower at Nagasaki.

During the last week, the authorities at Yeddo were informed of the intention of the foreign Powers to place ships of war in observation at the Straits. This knowledge made them naturally anxious to ascertain directly the nature and objects of the contemplated step. One of the Governors of Foreign Affairs, attended by the well-known Kurimoto Seihé, asked for a confidential interview with me yesterday afternoon. Your Lordship will find a report of the Conference in the inclosed Minute of Mr. Siebold.

The Governor was evidently much satisfied with the explanations given, and as this was probably one of the last occasions of confidential conference I may have before my departure for Shanghai, I requested him once more to present to the Gorogio those views of the relations of Japan which I had already explained, and on the adoption of which it is my firm belief the happiness and welfare of the country depend.

I have, &c.

(Signed) CHARLES A. WINCHESTER.

P.S.—Since the above was written, an answer from the Senior Naval Officer has been received, and my despatch to the Gorogio has been forwarded, copies of which I have the honour to inclose.

C. A. W.

Memorandum.

CHOSHIU, Prince of Nagato, being in a state of overt insurrection against the Tycoon, and His Majesty the Tycoon having resolved to march himself at the head of an army intended to reduce his contumacious vassal to obedience, civil war is imminent, and from the situation of its theatre may, to a certain extent, compromise the interests of the Treaty Powers by impeding the free navigation of their vessels through the Straits of Shimonasaki.

In presence of this state of things the Representatives of the four Powers subscribing the Convention of the 22nd October, 1864, have met for the purpose of consulting as to the measures it may be convenient to adopt for protecting the interests of their countrymen and securing the results contemplated by the expedition successfully directed by their respective naval forces against the batteries of Shimonasaki in September 1864.

This meeting took place on the 21st of June, 1865, and the following is the result of the joint deliberations of the Undersigned :—

Considering that the batteries erected by the Prince of Nagato in the Straits of Shimonasaki were employed to prohibit the free navigation of the Inland Sea to foreigners, and were disarmed by the Commanders of the allied forces, who imposed upon the Prince the formal obligation not to re-arm them ;

Considering that the allied forces have not renounced the occupation of a military position in the Straits, save on the formal obligation accepted by the Government of the Tycoon to guarantee the free navigation of the Straits to foreign vessels ;

Considering, moreover, that while the rules of a wise policy require of the Powers signing the Convention to avoid every act of intervention in the conflict which has just commenced between the Tycoon and the Prince of Nagato, their Treaty relations of friendship and commerce which exist only with the Tycoon, require from them the moral support and facilities necessary to the exercise of the rights acknowledged by such Treaties to belong to the Tycoon ;

For these reasons, the Undersigned have adopted with one accord, the following Articles, and are agreed that copy of this

Memorandum.

CHOSHIU, Prince de Nagato, s'étant mis en état d'insurrection vis-à-vis du Taikoun, et Sa Majesté ayant pris la résolution de marcher elle-même à la tête du corps d'armée destinée à faire rentrer ce Daimio, son vassal, dans l'obéissance, une guerre civile est imminente, guerre qui, vû le théâtre où elle aura lieu, peut à un certain point compromettre les intérêts des Puissances signataires des Traités, en mettant des obstacles à la libre navigation de leurs bâtimens à travers les Détroits de Shimonasaki.

En présence de cet état de choses, les Représentants des quatre Puissances signataires de la Convention du 22 Octobre, 1864, ont jugé opportun de se réunir afin d'aviser d'un commun accord aux mesures qu'il convient d'adopter pour sauvegarder les intérêts de leurs nationaux et d'assurer les résultats qu'ils ont eu en vue d'obtenir par l'expédition que leurs escadres respectives ont glorieusement dirigée contre les batteries de Shimonasaki, au mois de Septembre 1864.

Cette réunion a eu lieu en effet le 21 Juin, 1865, et voici le résumé des déterminations prises par les Soussignés :—

Considérant que les batteries élevées par le Prince de Nagato dans le Détroit de Shimonasaki avaient eu pour résultat d'intercepter la libre navigation des étrangers dans la Mer Intérieure, et qu'elles ont été désarmées par MM. les Commandants des forces alliés, qui ont imposé au dit Prince l'obligation formelle de ne plus les réarmer ;

Considérant que les forces alliés n'ont renoncé à l'occupation d'une position militaire dans le Détroit de Shimonasaki, qu'à la condition formelle, acceptée par le Gouvernement du Taicoun, de garantir la libre navigation de cette partie du Détroit aux navires étrangers ;

Considérant, en outre, que si les règles d'une sage politique commandent aux Puissances signataires de la Convention du 22 Octobre d'éviter tout acte d'intervention dans le conflit qui vient de s'élever entre le Souverain du Japon et le Prince de Nagato, les relations d'amitié et de commerce qui existent entre elles et le Taicoun, en vertu des Traités, leur commandent d'accorder à Sa Majesté un appui moral et les facilités nécessaires pour l'exercice des droits que lui reconnaissent ces mêmes Traités ;

Par ces motifs, les Soussignés ont adopté, d'un commun accord, les Articles suivants, et sont convenus que copie du présent

Memorandum shall be addressed to the Commanders of the naval forces of their respective nations now present, or hereafter to arrive in Japan :—

Memorandum sera adressée à MM. les Commandants des forces navales de leurs nations respectives présentes actuellement au Japon, ou qui pourront ultérieurement y arriver :—

ARTICLE I.

In, the interval which will elapse before the land and sea forces of the Tycoon shall present themselves in the Straits of Shimonasaki, the naval commanders of the Powers parties to the Convention of the 22nd of October, ought, in virtue of that Convention, to oppose the re-armament of the batteries of the Prince of Nagato in the said Strait, or even to proceed to their disarmament if the Daimio should have rearmed them ; but as the carrying these measures into effect might bring about conflicts and complications which the Undersigned wish absolutely to avoid, the commanders of the naval forces are requested in this latter case to make to the Prince of Nagato, or his representative, such remonstrances as they may deem appropriate, and in any event to ascertain the state of things and to furnish the Undersigned with an immediate report, in order that they may communicate with the Government of the Tycoon thereon, and place their respective Governments in a position to give them instructions.

Pendant le temps qui s'écoulera à partir de ce jour jusqu'au moment où les forces de terre ou de mer du Taicoun se présenteront dans le Détroit de Shimonasaki, MM. les Commandants des forces navales des Puissances signataires de la Convention du 22 Octobre devraient, en vertu de cette Convention, s'opposer au réarmement des batteries du Prince de Nagato dans le dit Détroit, ou même procéder à leur désarmement si ce Daimio les avait réarmées ; mais l'exécution de ces mesures pouvant amener des conflits et des complications que les Soussignés désirent absolument éviter, MM. les Commandants sont invités dans cette dernière hypothèse à faire au Prince de Nagato, ou à son représentant, les remonstrances qu'ils jugeraient convenables, et, en tout cas, constater l'état des choses et vouloir bien en rendre immédiatement compte aux Soussignés, afin qu'ils puissent agir en conséquence auprès du Gouvernement du Taicoun, et mettre leurs Gouvernements respectifs à même de leur donner des instructions à ce sujet.

ARTICLE II.

Apart from the object of the preceding Article, it is desirable that the commanders of the naval forces should be able to assure the free passage of the Straits to foreign ships, using it in regular trade with Japan, and to lend the aid required by Treaty for repressing on the part of merchant-ships belonging to their respective flags, in any part of the territories of Nagato contiguous to the Straits, trading operations which in terms of the Treaties are only authorized in the ports actually opened to foreigners.

En dehors de l'objet considéré dans l'Article précédent, il importe que MM. les Commandants des forces navales puissent assurer la libre passage du Détroit de Shimonasaki aux navires étrangers, qui font un commerce régulier avec le Japon, et prendre les mesures prévues par les Traités pour empêcher les bâtiments de leurs nations respectives de se livrer, sur un point quelconque du territoire de Nagato, à des opérations commerciales, qui, en vertu des dits Traités, ne sont autorisées que dans les ports ouverts actuellement aux étrangers.

ARTICLE III.

It is equally important to prevent the ships of the Tycoon charged with the prevention of unlawful commercial operations with the insurgent Prince from going in such cases beyond the limits of right and humanity.

Il importe également d'empêcher que les bâtiments du Taicoun qui serait chargés de s'opposer à ce que les navires étrangers fassent des opérations illicites avec le Prince rebelle ne dépassent pas, en pareil cas, les limites du droit et de l'humanité.

ARTICLE IV.

When hostilities shall commence in the Straits between the Tycoon and Choshu, the commanders will warn foreign ships of the necessity of passing beyond the lines of fire, and should even require them to abstain from entering the Straits if the passage at the time should bring them into actual danger.

Dès que les hostilités auraient commencé dans le Détroit entre les forces du Taicoun et celles de Choshu, MM. les Commandants devraient veiller à ce que les navires étrangers passassent en dehors de la portée des feux de l'artillerie ou même s'abstinssent d'entrer dans le Détroit, si le passage offrait pour eux un véritable danger.

ARTICLE V.

It is well understood that all the measures indicated by the Undersigned shall be carried out in the manner which the naval commanders shall consider most fitting, and in any case that their desire is that the strictest neutrality should be observed in all that concerns the military operations between the Tycoon and the Prince of Nagato.

Il est bien entendu que toutes les mesures indiquées ci-dessus par les Soussignés seront mises à exécution par MM. les Commandants de leurs forces navales de la façon dont ceux-ci le jugeront convenable, et en tout cas que leur désir est que la plus stricte neutralité soit observée par rapport aux opérations militaires du Taïcoun et du Daimio de Nagato.

Yokohama, June, 21, 1865.

(Signed)

LEON ROCHES, *Ministre Plénipotentiaire de Sa Majesté Impériale au Japon.*

CHARLES A. WINCHESTER, *Her Britannic Majesty's Chargé d'Affaires in Japan.*

A. L. C. PORTMAN, *United States' Chargé d'Affaires in Japan.*

D. DE GRAEFF VON POLSBROEK, *His Netherlands Majesty's Political Agent and Consul-General in Japan.*

Inclosure 2 in No. 39.

Mr. Winchester to Captain Luard.

Sir,

Yokohama, June 21, 1865.

I HAVE the honour to inform you that yesterday the Representatives of Great Britain, France, Holland, the United States of America, parties to the Convention of the 22nd October, 1864, assembled at the French Legation to deliberate on the present state of affairs as connected with the differences between the Tycoon and the Prince of Choshii, and that a Memorandum, copy of which I inclose for your guidance, was then paraphéd.

The points of principal importance will be found embodied in Articles I and II. In reference to the former, you will observe that its language in no way departs from the principle of abstinence from all operations tending to intervention in Japanese civil hostilities, and that the only action which it contemplates being taken by the commanders of the naval forces is that of remonstrance against the rearming of the Straits' batteries, pending a reference to their respective Representatives and Governments. Any force employed, under the existing circumstances, to compel Choshii's observance of his arrangement with the Admirals, so long as he does not interfere with the free navigation of the Straits by foreign ships, would, in my opinion, be an act of effective intervention in favour of the Tycoon, and, as such, not desirable.

With reference to the suppression of illicit trade, which I have made the subject of a separate Memorandum and Notification, copies herewith inclosed, it is scarcely necessary to observe that the terms of the joint Minute imply the giving of aid and support to such preventive measures as the Tycoon's Government may institute for the suppression of unauthorized commerce, and in no way contemplate the adoption by Her Majesty's ships of any independent action to effect objects in which the Tycoon's Administration must take the initiative. Still it is most desirable that these anticipated hostilities should not be fed under cover of the British flag by delivery of arms and ammunition; and under Article XXXIII of the Order in Council, the naval commander may adopt in his discretion a wider scope of repressive action than would be necessary in respect to ordinary smuggling.

These remarks are prefatory to the official request now made that the senior naval officer at Nagasaki may at once be reinforced, so as to provide for his being able to visit the Straits, either in his own or other vessel of war, or to station a ship in the vicinity of the Straits, as occasion may require, for the objects referred to in this despatch and its inclosures.

Until the actual assembly of the Tycoon's expeditionary force in the neighbourhood of the Straits, I believe that an occasional visit will sufficiently carry out the objects in view.

Any vessel despatched about the 27th or 28th instant may meet Sir Harry S.
[117] G

Parkes on the way or at Nagasaki. If at the latter port, the senior naval officer will, I trust, be instructed to communicate with him on the subject of your orders.

Mr. Gower, the Acting Consul at Nagasaki, will be directed to furnish you with the occasional services of Mr. Lowder, as interpreter, or should it appear expedient to detach a gentleman permanently for this purpose, Mr. Satow will be placed at your disposal.

I have, &c.
(Signed) CHARLES A. WINCHESTER.

Inclosure 3 in No. 39.

Memorandum.

1. AMONG the passages in the Minute on which it is necessary to offer specific suggestions are the words, "lend the aid required by Treaty for repressing," &c.

Very ample powers to effect this purpose are conferred on the Commanders by Articles XXXII and XXXIII of the Order in Council of the 23rd of January, 1860.

"XXXII. And whereas it is stipulated in and by the said Treaty agreed upon and concluded between Her Majesty and His said Majesty the Tycoon of Japan as aforesaid, that the ports and towns of Hakodadi, Kanagawa, and Nagasaki, shall be opened to British subjects on the 1st day of July, 1859, and that, in addition thereto, the following ports and towns shall be opened to them at the dates thereafter and hereinafter specified, that is to say, Nee-e-gata, or if Nee-e-gata be found unsuitable as a harbour, another convenient port on the west coast of Nipon, on the 1st day of January, 1860, and Hiogo on the 1st day of January, 1863 :

"Now it is hereby further ordered, that all trade whatsoever of Her Majesty's subjects in, to, or from any part of the dominions of the Tycoon of Japan, excepting the ports and towns aforesaid, and all trade whatsoever of Her Majesty's subjects in, to, or from any of the ports and towns aforesaid, before the respective days and times specified in the said Treaty as aforesaid, shall be and same is hereby declared to be unlawful, and every person engaged in such trade as a principal, agent, shipowner, shipmaster, or supercargo, shall be liable to be apprehended by any of Her Majesty's Consuls, and shall, when so apprehended, be sent by him to Yeddo, in any of Her Majesty's ships of war, or in any British ship or vessel, for trial before the Consul-General. And it shall be lawful for the Commander of Her Majesty's ships of war, or of any British ship or vessel, to receive any such person on board under a warrant from the said Consul addressed to the Consul-General, and thereupon to convey him in custody to Yeddo, and, on his arrival there, to deliver him, with the said warrant, into the custody of the said Consul-General, who, on the receipt of the said warrant and the person therein named, shall be authorized to commit, and shall commit, the person so sent for trial, and detain, or cause him to be detained, in any place of safe custody at Yeddo, and the Consul-General shall forthwith proceed to hear and determine the charge against such person, and such person shall, upon conviction, be liable to a fine not exceeding 10,000 dollars, or to imprisonment for a term not exceeding two years.

"XXXIII. And it is further ordered, that it shall be lawful for any of the commanders of Her Majesty's ships, or any other officer duly authorized in that behalf, to seize any ship or vessel under the British flag which may reasonably be suspected of having been engaged, or of being engaged, in any trade declared by the next preceding Article of this Order to be illegal, and to bring such ship or vessel, and the master, officers, supercargo, and crew thereof to Yeddo, and there to detain such ship or vessel, and the master, officers, supercargo, and crew thereof, until the said Consul-General shall have tried and determined the charge which may be brought against them, or any of them, in respect of such unlawful trade as aforesaid."

2. The Japanese Government must themselves devise and execute their own measures for preventing unauthorized trade, and making seizures and captures; but the commander of any of Her Majesty's ships stationed near the Straits, in consequence of the events on which this Memorandum is based may most properly warn British merchant-ships and subjects engaged, or intending (to all appearances) to engage in unauthorized trade, more especially contraband of war, that they can look for no protection or countenance from Her Majesty's ships or officers; but will be held responsible for any crimes or offences committed in resisting the Tycoon's officers in the lawful execution of the rights guaranteed by Treaty; and that should circumstances require it, the authority to seize, created by the Article XXXIII above referred to, will be acted upon.

3. The naval commander will recognize as valid and lawful the detention by the Tycoon's officers of any British ships or subjects seized while, or in consequence of, being engaged in illegal traffic elsewhere than at the open ports, and in no way dispute their right to retain possession of any goods or cargo seized under such circumstances.

4. Apart from the maintenance of the free navigation of the Straits, and the observation of the proceedings of the hostile parties, one of the principal objects Her Majesty's Chargé d'Affaires has had in view, in suggesting the stationing there of a ship of war, is the preventing English ships or subjects from furnishing munitions of war. Any action which the commander of Her Majesty's ships may adopt under the authority above cited will be entitled to favourable appreciation, in so far as it may tend to prevent a trade in contraband of war being carried on under British colours.

5. Article IV refers only to ships passing the Straits while actual firing is going on, or is expected to be commenced, and the commander of Her Majesty's ship would, in the case of a vessel under a foreign flag, endeavour to effect his object by an earnest intimation of danger before taking active steps to oppose her further progress.

Yokohama, June 22, 1865.

(Signed)

CHARLES A. WINCHESTER.

Inclosure 4 in No. 39.

Official Notification.

WHEREAS there are rumours of unauthorized trading operations in the neighbourhood of the Straits of Shimonasaki, and the existence under present circumstances of illicit commerce, more especially in arms, munitions of war, &c., is in contravention of Treaty and likely to complicate the international relations of Great Britain and Japan, it is the duty of the Undersigned to call the attention of all British merchants, traders, and shipmasters, resident in or frequenting Japan, to the annexed extracts:—

1. Article XVIII of the Treaty of Yeddo of 26th August, 1858.

2. Paragraph 5 of Regulation 2 attached to the aforesaid Treaty.

3. Sections XXXII and XXXIII of the Order in Council of 23rd of January, 1860.

And to warn all British subjects, that in pursuit of such illegal traffic they lose all claim to protection and countenance, and subject themselves to penalties set forth in the annexes, and that Her Majesty's ships of war stationed in or passing through the Straits, will, as required by Treaty, support the officers of the Tycoon engaged in its repression.

Given under my hand at the British Legation in Japan at Yokohama, this 22nd day of June, 1865.

(Signed)

CHARLES A. WINCHESTER, *Her Britannic Majesty's
Chargé d'Affaires and Acting Consul-General.*

ARTICLE XVIII.

The Japanese authorities at each port will adopt the means that they may judge most proper for the prevention of fraud or smuggling.

ARTICLE XX.

Regulation 2.

If any British ship shall smuggle or attempt to smuggle goods in any of the non-opened harbours of Japan, all such goods shall be forfeited to the Japanese Government, and the ship shall pay a fine of 1,000 dollars for each offence.

ARTICLE XXII.

Trade of British Subjects in contravention of Treaty with Japan declared unlawful and punishable.

And whereas it is stipulated in and by the said Treaty agreed upon and concluded between Her Majesty and His said Majesty the Tycoon of Japan as aforesaid, that the ports and towns of Hakodadi, Kanagawa, and Nagasaki, shall be opened to British subjects on the first day of July, one thousand eight hundred and fifty-nine, and that, in addition thereto, the following ports and towns shall be opened to them at the dates, and hereinafter specified, that is to say, Nee-c-gata, or if Nee-c-gata be found unsuitable as a harbour,

another convenient port on the west coast of Nipon, on the first day of January, one thousand eight hundred and sixty,* and Hiogo on the first day of January, one thousand eight hundred and sixty-three: †

Now it is hereby further ordered, that all trade whatsoever of Her Majesty's subjects in, to, or from any part of the dominions of the Tycoon of Japan, excepting the ports and towns aforesaid, and all trade whatsoever of Her Majesty's subjects in, to, or from any of the ports and towns aforesaid, before the respective days and times specified in the said Treaty as aforesaid, shall be and same is hereby declared to be unlawful, and every person engaged in such trade as a principal, agent, shipowner, shipmaster, or supercargo, shall be liable to be apprehended by any of Her Majesty's Consuls, and shall, when so apprehended, be sent by him to Yeddo, in any of Her Majesty's ships of war, or in any British ship or vessel, for trial before the Consul-General. And it shall be lawful for the Commander of Her Majesty's ships of war, or of any British ship or vessel, to receive any such person on board under a warrant from the said Consul addressed to the Consul-General, and thereupon to convey him in custody to Yeddo, and, on his arrival there, to deliver him, with the said warrant, into the custody of the said Consul-General, who, on the receipt of the said warrant and the person therein named, shall be authorized to commit, and shall commit the person so sent for trial, and detain, or cause him to be detained, in any place of safe custody at Yeddo, and the Consul-General shall forthwith proceed to hear and determine the charge against such person, and such person shall, upon conviction, be liable to a fine not exceeding 10,000 dollars, or to be imprisoned for a term not exceeding two years.

ARTICLE XXIII.

Vessels and Persons engaged in Unlawful Trade may be seized and sent for Trial.

And it is further ordered, that it shall be lawful for any of the commanders of Her Majesty's ships, or any other officer duly authorized in that behalf, to seize any ship or vessel under the British flag which may reasonably be suspected of having been engaged, or of being engaged, in any trade declared by the next preceeding Article of this Order to be illegal, and to bring such ship or vessel, and the master, officers, supercargo, and crew thereof to Yeddo, and there to detain such ship or vessel, and the master, officers, supercargo, and crew thereof, until the said Consul-General shall have tried and determined the charge which may be brought against them, or any of them, in respect of such unlawful trade as aforesaid.

Inclosure 5 in No. 39.

Précis of an Interview between Mr. Winchester, Her Majesty's Chargé d'Affaires, and Yamakuchi Suruga no Kami, Governor for Foreign Affairs, and Kurimoto Seihe Ometzke, on the 22nd of June, 1865.

AFTER the usual compliments the Governor commenced by saying that the Gorogio had heard rumours that some English ships were going to the Inland Sea, and that he wished to hear from Her Majesty's Chargé d'Affaires whether this was the case, and if so, he wished to know the motives and object with which they were sent.

Her Britannic Majesty's Chargé d'Affaires replied that the ships were going for two objects; first, to be on the spot and see that obstructions were not made to the free navigation of the Straits and the Inland Sea, to foreign ships; and secondly, to give moral support to the Government of the Tycoon, and such aid as the Treaty provided for, in suppressing the illegal trade in arms and munitions of war which had lately been attempted. The Commander would lend the same sort of assistance to the officers of the Tycoon engaged in suppressing contraband operations, as the Consul did to the Governors at the open ports, in preventing smuggling. There was not the slightest intention to take any active part in their internal differences; indeed, the motives for sending the ships to the Inland Sea were of the most friendly nature towards the Tycoon.

The Governor expressed his entire satisfaction with the explanations given, and said that he would report them to the Gorogio on his return.

Her Britannic Majesty's Chargé d'Affaires then observed that he intended to write to the Gorogio as soon as he had collected the papers, and more specially inform them of this matter. He concluded by saying that he wished to impress upon them once more, and as a parting advice, the urgent necessity of the Tycoon pursuing a more liberal policy towards the Daimios, and granting them certain advantages of trade by opening a port in the

* Opening postponed indefinitely.

† Opening postponed to January 1, 1868.

Inland Sea. The desire on their part to partake in foreign trade was becoming more and more conspicuous, and they would themselves find means of carrying on direct relations with foreigners if the Tycoon would not grant them the privileges they were fairly entitled to. The favourable moment had now arrived for the Tycoon to carry out this policy as he had gone with an imposing force to Osaka and Kioto.

Her Majesty's Chargé d'Affaires remarked that if the Daimios wished for trade, nothing would be more easy for the Tycoon than, having first obtained from the Mikado the entire direction of foreign affairs, to come to an understanding with them, and allow them a fair share in the trade. In case, however, the Tycoon continued his attempts to oppose the natural course of progress, the inevitable result would be civil dissension, against which he could not caution them too strongly, as the greatest evils which the rulers of a country had to guard against.

After some discussion on the subject of salutes the interview closed.

(Signed) ALEX. von SIEBOLD.

Inclosure 6 in No. 39.

Captain Luard to Mr. Winchester.

Sir,

"Conqueror," Yokohama, June 24, 1865.

I HAVE the honour to acknowledge the receipt of your despatch of the 21st instant, with inclosures, informing me that the Representatives of Great Britain, France, Holland, and the United States of America, had adopted a joint Minute, with reference to the state of affairs, consequent upon difficulties between the Tycoon and Prince Choshu, and your observations thereon; also requesting that arrangements may be made for an English ship of war to visit the Straits of Shimonasaki, as occasion may require, previous to the arrival of the Tycoon's expeditionary force, and that a ship of war may be subsequently stationed in the vicinity of the Straits, to carry out the views set forth in the aforesaid joint Minute.

2. Her Majesty's ship "Osprey" will leave for Nagasaki on the 27th instant, weather permitting, calling at Shimonasaki on her passage, for the purpose of obtaining information as to the state of affairs in that neighbourhood. The Senior Naval Officer at Nagasaki will then have directions either to visit the Straits occasionally, or to station a vessel there, as may be most desirable.

3. With reference to the joint Minute:—

Article I. The Senior Naval Officer in the Straits will be directed to oppose any attempted re-armament of the forts solely by remonstrance, until he shall have received further instructions.

Art. II. The Senior Naval Officer in the Straits will be directed to maintain the free passage of the Straits to English merchant-ships using it in regular trade with Japan; should the occasion arise provided for in Article XXXIII of the Order in Council of June 23rd, 1860, he will act upon the power therein conferred.

Art. III and IV. No special instructions will be required upon these subjects.

Art. V. Absolute neutrality will be enjoined upon the officer commanding Her Majesty's ships in the Straits.

4. With reference to your Memorandum upon this Minute:—

Paragraph 1. No power is conferred upon the commanders of Her Majesty's ships by Article XXXII of the Order in Council, beyond receiving and carrying to Yeddo persons apprehended by Her Majesty's Consuls.

Pars. 2 and 3. The Senior Naval Officer in the Straits will be directed to act in compliance with the principles herein laid down.

5. The Senior Naval Officer at Nagasaki will be directed to communicate with Sir Harry Parkes (in the event of meeting) respecting the orders under which he will then be acting.

6. I do not think it necessary, at present, to avail myself of the services of Mr. Satow, but shall be glad to do so if hereafter required.

I have, &c.

(Signed) W. G. LUARD

Inclosure 7 in No. 39.

Mr. Winchester to the Japanese Ministers for Foreign Affairs.

Your Excellencies,

Yokohama, June 24, 1865.

TWO days ago the Governor for Foreign Affairs, Yamakutchi Suruga no Kami, visited me by your Excellencies' directions, for the purpose of inquiring about certain reports as to intended visits of foreign ships of war to the neighbourhood of Shimonasaki.

I explained to the above-named Governor that the objects of any of Her Majesty's ships which might pass through or remain near the Straits would be twofold :—

1st. To see that the passage is not interrupted to British vessels using it for lawful navigation; and 2nd. To give support to such measures as the Tycoon's Government may adopt for the suppression of unlawful trade, especially in arms and munitions of war.

With the view of preventing British subjects engaging in such illicit commerce, I have issued a public notification (copy inclosed).

Under no circumstances will any of Her Majesty's officers interfere with the warlike operations which may be carried on by the opposed Japanese forces, but they are at all times ready to aid and advise the Tycoon's Government in dealing with the difficulties arising out of the unlawful acts of British subjects. Your Excellencies will, I trust, see proofs of this in the language of the Notification, as well as in the counsel offered and hopes expressed, at the recent interview, to the Governor, that the present internal difficulties may be settled without recourse to civil war, and be terminated by the adoption of an arrangement which, in guaranteeing to the Tycoon the control of foreign relations, will admit the Princes to share in the advantages which never fail to attend free trade.

With respect and consideration.

(Signed)

CHARLES A. WINCHESTER.

No. 40.

Mr. Winchester to Earl Russell.—(Received August 27.)

(Extract.)

Yokohama, June 26, 1865.

I HAVE the honour to forward copy of a recent Circular calling on the nat. merchants in Yeddo for an unusual contribution in respect of the actual condition affairs.

This document is, at all events, an illustration of the progress made by the Japanese in matters of finance.

Inclosure in No. 40.

Circular.

[THE following is a translation of a Circular sent round by the Japanese Government, calling for money to defray the charges of the present expedition.]

To the Headmen (of the city),

For some years the expense of protecting the coasts and also of repairing and building the Tycoon's palaces, besides that incurred during the last three years—in which the Tycoon has been twice to Kioto to visit the Mikado—has been very great. But now he is again about to leave Yeddo upon an expedition requiring more money than ever. Therefore—

Let it be known in Yeddo, Osaka and all the provinces belonging to the Tycoon, that they must give to him as much as they can. And, particularly, tell the merchants of Yeddo, who are always with the Tycoon and whose presence renders their business more safe and very much larger than is the case of the other provinces, and who, although they so profit largely by him, do nothing for him in return, they ought to provide a portion of the profits they have been making for so long a time

The circumstances are now different to those formerly existing. The Tycoon, really has not money in anticipation of the present case. So inform the merchants and shopkeepers that they must provide as much as they can; and order the headmen (every five or six houses in Yeddo has such an officer) to write out the names of contributors and the amounts they give, and send in the writing to Tachi Chimo. It is to be hoped that all

will give their utmost, but let these headmen (of five or six houses) know that if they do not exert themselves in persuading all to give liberally they will be punished.

P.S.—This money shall be paid back in ten years, by instalments of so much a-year—or so much a month—from next year. Let this be explained to every one.

D. J. H.

June 22, 1865.

No. 41.

Earl Russell to Mr. Winchester.

Sir,

Foreign Office, August 30, 1865.

HER Majesty's Government approve your proceedings, as reported in your despatch of the 23rd of June, with reference to the impending operations on the part of the Government of the Tycoon against the Prince of Nagato.

I am, &c.
(Signed) RUSSELL.

No. 42.

Sir. H. Parkes to Earl Russell.—(Received September 2.)

My Lord,

Nagasaki, June 30, 1865.

I HAVE the honour to report my departure from Shanghai on the 24th instant, and arrival here on the morning of the 27th. Tempestuous weather which has prevailed since that date has contributed to the detention of Her Majesty's ship "Leopard," but I am informed by Captain Leckie that he will be ready to proceed to-morrow morning, and, as was first proposed, will take the route of the Inland Sea; I have therefore desired Mr. Frederick Lowder to accompany me, as it is possible that I may require the services of an interpreter during that part of the voyage.

It is gratifying to learn from Mr. Consul Gower that affairs at this port are, on the whole, in a satisfactory condition. Unfortunately, however, he has had to bring to my notice one of those murderous attacks on foreigners which have from time to time imperilled our intercourse with this country. On the 11th instant a Japanese ruffian rushed through the settlement with a drawn sword, cutting at every foreigner he met; he only succeeded, however, in wounding one European (a coloured sailor lately belonging to a British vessel) and five Chinese, and then passing out of the settlement under the eyes of a Japanese guard, made good his escape, and has not yet been arrested. While, on the one hand, the consequences of the outrage have providentially not proved serious, as all his victims are recovering from their wounds, it is unsatisfactory to note the same absence of vigour or of will on the part of the Japanese authorities in the pursuit of the offender as has marked their conduct, with one recent exception, on all similar occasions. The fulfilment of their duty might have been more readily looked for in this instance, as the offender is not the retainer of an influential or a hostile Daimio, but an inferior individual of known bad character, and the resident of a village close at hand. I thought it necessary, therefore, in the course of a visit paid me by the Governor to support the just remonstrances of Her Majesty's Consul at the delay which had occurred in the man's arrest, and was assured that the circumstance was attributable to the accident of his having escaped into the mountainous country at the back of the port; and that, though he might elude pursuit for the present, he would be eventually secured and punished.

The Governor appears to be a friendly and well-disposed man, but in all matters of business he stated that the orders of the Gorogio left him little discretion, and that he still waited the receipt of instructions in regard to the removal of certain monopolies which contrary to the Treaty are retained by Chinese and considerably hamper the trade of the port. Other restrictions have also been pointed out to me as attributable to illiberality on the part of the Tycoon, but it is satisfactory to observe that complaints of this nature do not proceed from foreign sources only, but are joined in by that section of the Daimios which already seeks a remedy for the present imperfect state of affairs, not in the suppression but in the extension of foreign trade.

I think I may say that I see some confirmation of the statements made to me to the above effect in the readiness with which several of the officers of influential Daimios, who

happen to be at Nagasaki, asked me to receive them as soon as they heard of my arrival.

At the interviews which I willingly gave them they stated that the foreign policy of their Government continued to form the absorbing topic of the day, and that a freer admission to the advantages of foreign trade was earnestly desired by some of the Daimios. I regretted, however, to hear them combine with these liberal opinions the conviction that the feeling amongst the governing class was so divided, and in some instances so unfavourable to the Tycoon, that a civil struggle might be expected at no distant date.

I have, &c.

(Signed) HARRY S. PARKES.

No. 43.

Sir F. Bruce to Earl Russell.—(Received September 8)

My Lord,

Washington, August 25, 1865.

I HAVE the honour to transmit herewith copy of a note which I have received from the Secretary of State of the United States in answer to one which I addressed to him in accordance with your Lordship's instructions.

I have, &c.

(Signed) FREDERICK W. A. BRUCE.

Inclosure in No. 43.

Mr. Seward to Sir F. Bruce.

Sir,

Department of State, Washington, August 15, 1865.

I HAVE the honour to acknowledge the receipt of your note of the 29th of July last, accompanied by a copy of Earl Russell's despatch which you have submitted confidentially for my perusal, in order to ascertain the views of this Government on the subject of securing common action in affairs in Japan arising out of the Agreement of 1864, and in the course adopted by the Representatives of the Treaty Powers in that country. In reply, I have the honour to state that until the Treaty is ratified by the Senate, the Government of the United States cannot constitutionally take action therein. But anticipating the ratification, this Government is disposed to concur nominally, and to co-operate in the plans proposed by Her Majesty's Government.

I have, &c.

(Signed) WILLIAM SEWARD.

No. 44.

Sir H. Parkes to Earl Russell.—(Received September 16.)

My Lord,

Yokohama, July 12, 1865.

IT may be of interest to your Lordship to be informed of the few observations bearing upon the relations between the Tycoon and the Prince of Choshu, which came under my notice during my passage through the Inland Sea.

From several of Choshu's officers who boarded Her Majesty's ship "Leopard" at Shimonasaki, and from inquiries made by Mr. Lowder on shore, I learned that the Prince and his son were still waiting in retirement the movements of the Tycoon, but adhered firmly to their resolution of resisting attack. They did not appear certain that hostilities would occur, but spoke of considerable preparations for defence which they had made at no less than six points within their own territory, on a scale which would be formidable if their estimates could be considered reliable. They had not attempted, however, as we satisfied ourselves by inspection, to re-arm the batteries at Shimonasaki, nor did the town bear the appearance of a place threatened with attack; but they volunteered the remark that as the Convention made with Admiral Kuper prevented their putting heavy guns in battery, they should defend themselves with field artillery. The feeling evinced to all those who landed from the "Leopard" was of a very friendly character.

No signs of hostile proceedings were observable in our course through the Inland Sea. We visited Hiogo and the head of Osaka Bay, and from Mr. Lowder, whom I sent on shore at both these places, I received uniform accounts of the friendly disposition of the people but of reserve on the part of the Tycoon's officers. Two of the Tycoon's steamers lay at Hiogo and one off the entrance to Osaka, but one of the former was actively engaged in discharging cargo, and no other appearance of force was visible. The favourable position of Hiogo as a port, and the capacity of Osaka for trade, were striking even to a superficial view.

A native informant whom I sent into Osaka returned with the report that he had seen a considerable number of troops in the town, but he could not hear of more than three Daimios of rank being present, although several others were named as about to arrive for the purpose of meeting the Tycoon. The latter it was said would reach Kioto on the 6th instant, and it was expected that he would hold a meeting of Daimios in a few days' time, though whether at Osaka or Kioto appeared still uncertain.

Mr. Siebold, as your Lordship will learn from the enclosed Memorandum, has heard that the expedition against Choshu has been postponed, and I am glad to think that the above observations go far to corroborate this information.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 44.

Memorandum by Mr. Siebold.

ADVICES from the army of the Tycoon are to the effect that the expedition to Choshu is looked upon as postponed for the present, as the Tycoon has been summoned to Kioto, where he is to meet a congress of Daimios. Orders for the despatch of Court dresses have been received in Yeddo.

It is reported that only part of his army will accompany him to Kioto.

No. 45.

Earl Russell to Sir H. Parkes.

Sir,

Foreign Office, September 30, 1865.

HER Majesty's Government have considered, in communication with the Law Officers of the Crown, Mr. Winchester's despatches of the 10th and 23rd of June, reporting the measure adopted by the Representatives of the Treaty Powers, in view of the impending hostilities between the Tycoon and the Prince of Nagato, and I have to state to you that Her Majesty's Government are of opinion that Mr. Winchester took every proper step in his power, the Order in Council of the 9th of March last not having then reached Japan, to prevent British subjects from interfering in those hostilities.

Her Majesty's Government are further of opinion that you will have ample power under sections 7, 8 and 9 of the new Order to prevent British subjects from interfering in the apprehended civil war, as "any strait or other water in Japan" (Par. 95) may be closed by your orders, or the passage through it made subject to any restrictions which may be deemed expedient. So with regard to the prevention of illicit trading, the provisions of the new Order are, in the judgment of Her Majesty's Government quite adequate; as indeed were the provisions of the Order in Council of the 23rd of January, 1860, under which the measures adopted by Mr. Winchester were taken.

I am, &c.
(Signed) RUSSELL.

No. 46.

Sir H. Parkes to Earl Russell.—(Received October 16.)

My Lord,

Yokohama, August 10, 1865.

THE Japanese Ministers have informed me, in the inclosed letter, that they have despatched two ships of war to the Straits of Shimonasaki, with orders to seize any foreign vessels they may find engaged in illegal trade. I have accordingly made known this

resolution to Her Britannic Majesty's subjects in Japan by notification, of which I inclose a copy; and have informed Admiral King of the desire of the Japanese Ministers that these vessels may be placed in communication with Her Majesty's ships. I also inclose copy of my reply to the Japanese Ministers.

The latter state in their letter that the Japanese vessels had been despatched on the 25th ultimo; but a private steamer that arrived here yesterday from Nagasaki, which she left on the 2nd instant, did not sight them on her passage through the Inland Sea. Her Majesty's ship "Barrosa" was off the Straits, having proceeded thither in pursuance of the agreement between the foreign Representatives, which was reported to your Lordship by Mr. Winchester, in his despatch of the 23rd of June last.

I am informed that the transactions hitherto attempted in Choshu's territory are not of a character to encourage commercial operations in that quarter.

I have, &c.

(Signed) HARRY S. PARKES.

Inclosure 1 in No. 46.

The Japanese Minister for Foreign Affairs to Sir H. Parkes.

(Translation.)

I SEND you the following communication.

As we have been informed that foreign ships carry on illicit trade at Shimonasaki, in the province of Nagato, orders have been given on the 3rd instant (July 25) to the two men-of-war "Siokako" and "Kokurio," now at anchor in the Bay of Osaka, to proceed thither, and to seize any ships carrying on such unlawful trade in the Inland Sea, after the offence has been inquired into and proved.

My colleagues at Osaka have informed me of the above, I therefore request you will notify this to all British ships passing through the Inland Sea, and as the men-of-war of the different nationalities there and our own may have to come into contact with each other, in order to arrive at a just settlement, it is desirable you should also notify it to them.

With respect and consideration.

13th day of 6th month of 1st year of Kai-o (4th August, 1865).

(Signed)

MIDZOONO IDZOOMI NO KAMI.

Inclosure 2 in No. 46.

Circular.

THE Undersigned, Her Britannic Majesty's Acting Consul for the port of Kanagawa, begs to circulate for the information of British subjects within this Consular district, the accompanying notification, issued this day by Sir Harry Parkes, K.C.B., Her Britannic Majesty's Minister Plenipotentiary in Japan.

(Signed)

MARCUS FLOWERS.

Notification.

With reference to the notification issued by Her Majesty's Chargé d'Affaires and Acting Consul-General, on the 22nd day of June last, making known the risks and penalties which would be incurred by British subjects in resorting to the neighbourhood of Shimonasaki for purposes of illicit trade, the Undersigned has now to give notice to all subjects of Her Britannic Majesty that he has been officially informed by the Government of the Tycoon that two Japanese ships of war have received orders to cruise in the neighbourhood of the Straits of Shimonasaki, and to seize all foreign vessels which they may find engaged in unlawful trade, either in that neighbourhood, or in the Inland Sea.

(Signed)

HARRY S. PARKES.

Her Britannic Majesty's Legation, August 8, 1865.

Inclosure 3 in No. 46.

*Sir H. Parkes to the Japanese Ministers for Foreign Affairs.**August 9, 1865.*

THE Undersigned has to acknowledge the letter of his Excellency Medzuno Idzumi no Kami, dated the 5th instant, informing him that the two Japanese ships of war, "Siokaku" and "Kokurio" had been despatched to the neighbourhood of Shimonasaki to suppress illegal trade on the part of foreigners in the Inland Sea, and requesting that facilities might be afforded to those vessels for communicating with any of Her Majesty's ships they might meet in that neighbourhood.

On returning to Yokohama on the 7th instant, the Undersigned lost no time in making known by public notification to all subjects of Her Majesty the object for which the said Japanese ships of war have been despatched, and he communicated the same information to the new naval Commander-in-chief in China and Japan, Vice-Admiral King, who arrived at Yokohama on the 7th instant. The Undersigned also recommended that the vessels should be assisted by Her Majesty's ships in the manner already promised by Mr. Winchester in his letter of the 24th of June last.

The Undersigned is happy to inform the Gorogio that Admiral King will readily direct Her Majesty's ships to maintain a friendly understanding with the vessels of the Tycoon, and also to assist them in the suppression of illegal trade. The Admiral quite concurs with the Undersigned in deprecating in particular a trade in contraband of war as calculated to promote the continuance of present troubles which are injurious to regular commerce, as well as to the peace of the country.

It affords the Undersigned much pleasure to offer the Gorogio those friendly assurances. He trusts on their part, they will also shortly be able to assure him that due attention has been given to the advice of his predecessors to remove all existing obstacles in the way of free trade on the part of the Daimios.

With respect, &c.

(Signed)

HARRY S. PARKES.

No. 47.

Sir H. Parkes to Earl Russell.—(Received October 16.)

My Lord,

Yokohama, August 11, 1865.

THE movements of the Tycoon, in connection with the threatened operations against Choshu, do not yet appear to have been shaped into a decided course. All that is positively known is, that he is continuing at Osaka his deliberations with the Daimios, and that a considerable body of the irregular forces of the country is awaiting the result either at Osaka or Kioto, or between those places. It is obvious that much discussion must take place before any approach to unity of purpose or action can be secured among an assemblage of Chiefs, who probably hold very divided opinions both as to the degree of Choshu's offence, and as to the consequences to their order of his subjection by the Tycoon. The consent of the Mikado, which, however formal in itself, may yet not be readily obtainable, seems indispensable to the constitutional authorization of hostilities on the part of the Tycoon.

It seems not wholly impossible, however, that if the latter persists in his intention to humble Choshu, and if the Daimios of the Empire keep aloof from the contest, he may enter upon it with his own means and the aid of his own feudatories. If any reliable deductions are to be drawn from the observations of the Japanese Ministers in Yeddo, it would appear that an uncompromising course is the ruling desire of the Tycoon's Government. At the interview I held with them on the 1st instant, they gave expression to very implacable feelings against Choshu, and declared that nothing less than complete dispossession of his territory, and even capital punishment, would satisfy the Tycoon.

A meeting of all the Daimios then in Yeddo had taken place the day before to present addresses on the occasion of the safe arrival of the Tycoon at Osaka. Without particulars as to the number and position of the personages who thus assembled, it is impossible to estimate the degree of importance that may attach to the occurrence; but it appears to have increased the confidence of the Ministers, as they spoke with more decision than when I saw them for the first time on the 22nd ultimo, although they afforded me no information on either of these occasions.

The information which reaches us from the direction of Choshu's territory is of the

same uncertain character. He and a few other Daimios who are closely allied to him, and indeed share his province, are prepared to resist attack from the Tycoon, though they do not appear convinced that this is imminent. They have an impression that hostilities may yet be turned aside by the deliberations at Kioto, where, notwithstanding that it was the scene of the gravest treasonable violence on Choshu's part, he appears not to be wholly unfriended. His officers have remarked that he feels the disadvantage which the continued disarmament of his batteries by the Convention with the Allied Powers entails upon him; but that he considers himself able to cope with the present naval force of the Tycoon as long as it is not reinforced by the iron-clad, which the latter has so long been endeavouring to obtain from the United States, through the agency of the American Minister, Mr. Pruyn.

In the meantime the country suffers from this unsettled state of affairs. Trade is naturally interfered with, and foreign goods in particular, owing either to interrupted enterprise or impeded communications, remain unsaleable both at Yokohama and Osaka. An unusually wet season which has greatly retarded, and may yet prove to have injured the standing crops, is an unwelcome addition to the other elements of distress and disturbance, and is aggravated by the heavy demands upon the grain in store for the use of the large bodies of men who have now been called into actual service.

I have urged the Gorogio on two occasions to encourage the free importation of foreign rice, as even if the demand were not considerable, the opening of a fresh source of supply would check the hoarding of stocks on the part of the native grain dealers, and would certainly add to the popularity of foreign commerce. I am not aware, however, whether the assent which they readily gave to the principles of free trade in grain will be suffered to influence their action. In the absence of the Tycoon and two of the three leading members of the Gorogio, who have hitherto conducted the business of foreign relations, considerable hesitation is felt on the part of the functionaries who remain in Yeddo to act in such matters on their own responsibility; and in our own interest, therefore, it becomes highly desirable that this absence should not be greatly prolonged.

I have, &c.

(Signed) HARRY S. PARKES.

No. 48.

Mr. Grey to Earl Russell.—(Received October 16.)

My Lord,

Paris, October 14, 1865.

I HAVE the honour to inclose the copy of a despatch which I have received from Mr. Bigelow, forwarding the copy of a despatch from the Secretary of State for the United States, by which the American Minister is instructed to assist, on behalf of his Government, in the adjustment or modification of the terms to be exacted from the Japanese by the three Western Powers named in the Treaty which followed the hostilities jointly undertaken by them for the purpose of overcoming the resistance to the free passage of the Strait of Shimonasaki.

I have informed Mr. Bigelow, in reply, that I have referred his despatch to your Lordship with a request for instructions.

I have, &c.

(Signed) W. G. GREY.

Inclosure 1 in No. 48.

Mr. Bigelow to Earl Cowley.

Legation of the United States, Paris, October 13, 1865.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, presents his compliments to his Excellency Earl Cowley, Ambassador Extraordinary of Her Majesty, and has the honour to transmit to his Excellency a copy of a despatch received from the Secretary of State of the United States, by which the Undersigned is instructed to assist on behalf of his Government in the adjustment or modification of the terms to be exacted from the Japanese by the three Western Powers named in the Treaty which followed the hostilities jointly undertaken by them for the purpose of overcoming the resistance to the free passage of the Strait of Shimonasaki.

The Undersigned will be happy to wait upon and confer with his Excellency Earl

Cowley, whenever in his Excellency's opinion a conference would promote the objects contemplated by the inclosed instructions.

The Undersigned, &c.

(Signed)

J. BIGELOW.

Inclosure 2 in No. 48.

Mr. Seward to Mr. Bigelow.

Sir,

Department of State, Washington, September 8, 1865.

M. DROUYN DE LHUYS has instructed the Marquis de Moutholon to propose to this Government a modification of the terms exacted from the Japanese by the three Powers in the Treaty which followed the hostilities jointly undertaken by them for the purpose of overcoming the resistance to the free passage of the Strait of Shimonasaki.

I inclose a translation of an abstract of the instructions, which abstract the Marquis has left with me for consideration.

Though on its face the proposition which it contains does not seem to offer any serious objection, it is preferred that if practicable the adjustment desired should be made at Paris, especially as both England and France are more largely interested in this particular matter than we are, and the English Minister at Paris being so near home can act under full instructions from his Government. The subject is consequently commended to your best discretion.

Although it may be desirable that the affair should be disposed of without delay, so far as we are concerned there is an important element to be taken into consideration, which, if the business were to be settled by the Executive authority of the United States, would not make that settlement legally binding. The Treaty itself has not yet been submitted to the United States' Senate. This is indispensable in any instrument of the kind, even one which does not impose an obligation on us, or which does not, like the one in question, contain a stipulation for an exchange of ratifications. You will, of course, mention this to M. Drouyn de Lhuys.

I am, &c.

(Signed)

WILLIAM H. SEWARD.

No. 49.

Mr. Grey to Earl Russell.—(Received October 18.)

My Lord,

Paris, October 17, 1865.

I INQUIRED yesterday of M. Drouyn de Lhuys whether the American Minister at this Court had made to him any similar communication to that which I had the honour to forward to your Lordship in my despatch of the 14th instant, on the subject of the adjustment or modification of the terms to be exacted from the Japanese by the three Powers named in the Treaty which followed the hostilities which took place in the Straits of Shimonasaki.

His Excellency replied that he had received a communication from Mr. Bigelow, but that he had not understood it to refer to any modification of the terms to be exacted from the Japanese, but simply to the mode in which the pecuniary indemnity to be paid by Japan should be distributed among the Powers whose forces had been engaged in the hostilities in the Straits of Shimonasaki. M. Drouyn de Lhuys had no objection to a Conference meeting at Paris to determine this point, but he said he would examine the communication made to him by Mr. Bigelow more carefully before he pronounced an opinion upon it.

I have, &c.

(Signed)

W. G. GREY.

No. 50.

Earl Russell to Mr. Grey.

Sir,

Foreign Office, October 21, 1865.

WITH reference to your despatch of the 14th instant on the subject of a communication which has been made to you by Mr. Bigelow, the United States' Minister

at Paris, on the question of the adjustment or modification of the terms to be exacted from the Japanese by the three Powers named in the Treaty which followed the hostilities which took place in the Straits of Shimonasaki, I transmit to you herewith, for your information, a copy of the instructions which I addressed to Her Majesty's Minister in Japan on the 23rd of August last, and I have to state to you that until an answer is received from Sir Harry Parkes, no further steps can be taken in the matter by Her Majesty's Government.

You will accordingly make a communication to this effect to Mr. Bigelow.

I have, &c.
(Signed) RUSSELL.

No. 51.

Mr. Grey to Earl Russell.—(Received October 25.)

My Lord,

Paris, October 23, 1865.

I HAVE the honour to report to your Lordship that I this day informed Mr. Bigelow, in reply to the communication he made to me on the 14th instant, that until further news had been received from Japan, no steps would be taken by Her Majesty's Government in the question of the adjustment or modification of the terms to be exacted from the Japanese by the three Powers named in the Treaty which followed the hostilities in the Straits of Shimonasaki.

I have, &c.
(Signed) W. G. GREY.

No. 52.

Earl Russell to Mr. Grey.

Sir,

Foreign Office, October 27, 1865.

WITH reference to your despatch of the 23rd instant on the subject of the communications which have passed between Mr. Bigelow and myself with regard to the terms to be exacted from the Japanese by the three Powers named in the Treaty which followed the hostilities in the Straits of Shimonasaki, I have to state to you that if the question raised by Mr. Bigelow relates only to the distribution of the indemnity, Her Majesty's Government will have no objection to discuss that point at Paris.

I am, &c.
(Signed) RUSSELL.

No. 53.

Sir H. Parkes to Earl Russell.—(Received October 28.)

My Lord,

Yokohama, August 25, 1865.

IN his despatch of the 12th April last, Mr. Winchester reported that the Gorogio, in the exercise of the option reserved to the Tycoon in the IIIrd Article of the Convention of the 22nd October, 1864, had expressed their determination to pay the indemnity rather than open Shimonasaki, or other port in the Inland Sea; but instead of being prepared to deliver the indemnity money by quarterly instalments, as stipulated in the Convention, they proposed an interval of twelve months between the payment of the first and second instalments, and were silent in respect to the discharge of the remaining sums.

In his succeeding despatch of the 25th April, Mr. Winchester informed your Lordship that he and his colleagues had accepted the offer of the Tycoon's Government to pay the first instalment in the course of the 6th Japanese month; on the condition, however, that the acceptance of this sum should in no degree affect the right of their respective Governments, either to claim the literal fulfilment of the conditions of the

Convention, or to negotiate for equivalent advantages in return for the accommodation that the Japanese Government would obtain by delay.

Your Lordship having apprised me, in your despatch of the 8th April, that the views of the French and Netherlands Governments were averse to the renunciation of a money payment in favour of a port, and that further consultation with those Governments and that of the United States was necessary before final instructions could be forwarded, I had hitherto refrained from alluding to the subject in my communications with the Gorogio. I had also felt that as, by the 11th Article of the Convention, payment of the indemnity is only to commence "from the date when the Representatives of the Four Powers shall make known to the Tycoon's Government the ratification of this Convention, and the instructions of their respective Governments," I should have had some difficulty in insisting upon the fulfilment of the Gorogio's offer to pay the first instalment in their 6th month (which terminated on the 20th instant) had they not elected to abide by that offer. On the evening of the 18th instant, however, Tamura Higo no Kami announced to me his arrival from Yeddo; and at the interview which was held by his request with the foreign Representatives at this Legation on the following day, he informed us that, in fulfilment of the Gorogio's offer of April, he had brought with him, and was prepared to deliver to us the first instalment of the indemnity, amounting to 500,000 dollars.

In a short conference between ourselves which had preceded the interview, the United States' Chargé d'Affaires referred to the inconvenience, which was probably generally felt, of our receiving even this instalment under a Convention the ratifications of which had not yet reached us; but it appeared to me that it was undesirable to disturb the arrangements in respect to this particular sum that had been concluded four months previously between the Gorogio and the foreign Representatives, and that it would be better to receive and to hold the money subject to the instructions from our Governments, which are probably already on the way, rather than lead the Gorogio to infer, from any hesitation on our part, that some difference of opinion might exist between the four Powers on the subject. The Dutch Agent and Consul-General was quite of this opinion, and I was aware that it was fully shared by the Minister of France, who, being absent at the time on account of indisposition, was represented at the meeting by the Acting Consul-General.

The United States' Chargé d'Affaires having concurred in this view, and no objection being therefore entertained to the receipt of the money, we agreed to take delivery of it, and arranged that it should be paid into the two chief banks of Yokohama, subject to the orders as to its disposal or division that we might receive from our respective Governments. The Representatives having signed a Memorandum of this understanding, copy of which I inclose, delivery commenced on the 22nd instant, and will probably continue for several days, as facilities do not exist for the examination of more than 50,000 dollars on each day.

When the delivery is completed I shall be careful that the receipt given to the Gorogio shall clearly record the conditions under which this instalment will have been paid.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 53.

Memorandum of the Foreign Representatives concerning the Temporary Disposal of the First Instalment of the Indemnity.

THE Government of the Tycoon having offered in April last to pay in the course of the 6th month of the Japanese year of Gengi (which terminated yesterday, Sunday, the 20th August), to the Representatives of the foreign Powers who signed the Convention of the 22nd October, 1864, a sum of 500,000 dollars, as the first instalment of the indemnity stipulated for in the said Convention, and the said offer having been accepted in April last by the Representatives of the signing Powers, and Tamura Higo no Kami having tendered, on the 19th instant, to the Undersigned, on the part of the Government of the Tycoon, the said sum of 500,000 dollars, the Undersigned hereby record their agreement to take delivery of the said money, and, with a view to its safe custody, to authorize, by the letters at foot, the deposit of the same, in two equal sums of 250,000 dollars, in the Chartered Oriental Bank and the Chartered Mercantile Bank, at Yokohama, each bank to receive one of the said sums, and to hold the same, subject to the instructions now

expected from the respective Governments of the Undersigned, as to the manner in which the said money is to be disposed of.

Signed at Her Britannic Majesty's Legation this 21st day of August, A.D. 1865.

(Signed) HARRY S. PARKES, *Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary.*

A. L. C. PORTMAN, *Chargé d'Affaires ad interim of the United States.*

D. DE GRAEFF VON POLSBROEK, *His Netherlands Majesty's Political Agent and Consul-General.*

Pour le Ministre de France,

P. CHEVREY RAMEAU, *Gerant du Consulat-General de France.*

CTE. DE TURENNE, *Attaché.*

To J. G. Rickard, Esq., *Manager of the Chartered Oriental Bank Corporation*; A. Brett, Esq., *Manager of the Chartered Mercantile Bank Corporation.*

You are hereby authorized to receive from the Japanese authorities the sum of 250,000 dollars, and to hold the same to our conjoint order.

As the delivery of this sum may extend over several days, you will give a receipt at the close of each day for the amount received on that day, which will be countersigned by Mr. Eusden, Japanese Secretary to Her Britannic Majesty's Legation.

(Signed) H. S. P.
A. L. C. P.
D. DE G. VON P.
Pour M. Roches,
P. C. R.
C. DE TUR.

No. 54.

Sir H. Parkes to Earl Russell.—(Received October 28.)

My Lord,

Yokohama, August 26, 1865.

NO authentic information of an important character has been received in relation to the movements of the Tycoon since I last addressed your Lordship on the 11th instant. It is known, however, that no expedition has yet left Osaka, nor were military preparations observable in that bay by three vessels that have recently arrived here by the way of the Inland Sea.

The Dutch Political Agent and Consul-General has returned by the same route from a visit to Nagasaki, and on passing Shimonasaki heard the account, that has already been so often repeated, of Choshu's readiness to resist the Tycoon if attacked. He was also informed there that reports had been spread by the Tycoon that he would be actively assisted by the foreign Powers, and by the English in particular, and the red coat uniform which he has adopted for a corps of his men seems to have given some colour to these reports in the eyes of the people. Choshu's officers appear to have assumed a very independent tone in their conversation with M. Polsbroek, and to have charged him in a very discourteous manner with having given information against them to Shibato, the Commissioner now in Europe, at an interview, full proceedings of which had been reported to them. M. Polsbroek is of opinion that an exaggerated account of his remarks had probably been sent them from Yeddo in order to awaken ill-feeling on their part.

M. Roches was lately visited at Atami by two Governors of Foreign Affairs, but he has informed me that he could obtain from them no information as to the Tycoon's proceedings, and the United States' Chargé d'Affaires has not been more successful at Yeddo; indeed, we may feel assured that it is not to official sources that we may look for reliable intelligence, and the system of surveillance is too strictly maintained at Yokohama to allow of much being gleaned from private quarters.

From several directions, however, reports have just reached me that an attempt was made to take the Tycoon's life shortly before he reached Osaka, at the seat of a Daimio where he was to have put up on his journey. The Tycoon received notice in time to prevent exposure to the danger, and seventeen persons are said to have been arrested.

The present uneasy condition of trade is naturally regarded as a symptom of political

disquiet. Native dealers appear to be making very small purchases of imports, and they are careful to send them only to short distances where they can be promptly realized.

I have, &c.
(Signed) HARRY S. PARKES.

No. 55.

Earl Russell to Sir H. Parkes.

Sir, *Foreign Office, November 2, 1865.*
HER Majesty's Government approve the course you pursued, as reported in your despatch of the 25th of August, with reference to the payment of the first instalment of the Japanese indemnity money.

I am, &c.
(Signed) RUSSELL.

No. 56.

Sir H. Parkes to Earl Russell.—(Received November 11.)

My Lord, *Yokohama, September 12, 1865.*

I HAVE lately visited Yeddo for two days, having occasion to see the Gorogio on the subject of the arrest of two Japanese in the employment of an officer of Her Majesty's Consulate at Nagasaki, and also to urge on their attention the commencement of the buildings to be occupied as a temporary Legation.

I took up my quarters on this occasion in the temple of Dai-chiuji, which, as I have already reported, has been assigned for my use until the temporary Legation can be constructed. I found that the Japanese officers had not used great expedition either in making the few fittings I had asked for in this temple, or in preparing the estimates of the new building; but they gave as a reason, which is to some extent a valid one, the occurrence of the autumnal holiday, which had interrupted all business for several days.

As usual the Gorogio had no political information to communicate to me. With a view of drawing something from them on the subject of the Tycoon, I congratulated them on his recent escape from danger, which I observed was the subject of common report, and in their guarded reply, which was to the effect that the Tycoon naturally incurred some risk whenever he absented himself from his capital, I saw that foundation existed for these unfavourable rumours. The events of late years are confirmatory of their remark, as each absence of the Tycoon appears to have been marked by an attempt upon his life, and also by some measure or threat directed against foreigners.

I am not in a position to report what occurred on this occasion, as the accounts are contradictory, and all are unauthentic. To show their character, it may be mentioned that one story describes the plan as an attempt to blow up with gunpowder the house in which the Tycoon was to pass the night; another one, and the most moderate, says that an agent of Choshiu had been discovered near the Tycoon's person. The danger, whatever it might have been, was encountered in the Daimioate of Zeze, on the journey to Osaka, and the most significant circumstance reported in connection with it is the arrest or surveillance under which Stotsubashi is now said to be placed at that city. This Prince has aspirations, or possibly it may be said claims, to be considered as the successor of the present Tycoon, and the jealousy with which he appears to be regarded by the latter may arise either out of their old rivalry, or a suspicion of his being concerned in the recently frustrated plot.

I gathered from another incidental remark of the Japanese Ministers that the return of the Tycoon from Osaka was not soon expected. A common rumour that he will remain there for several years is doubtless an exaggeration of this delay, which appears to have been determined on, and which the Tycoon may find necessary, not in view only of the exigencies of the Choshiu question (of which nothing further has transpired), but also for the purpose of strengthening his position at Kioto, which has apparently become a focus of active intrigue since the powerful Daimios were released from their stated attendance on the Court of Yeddo.

The prolonged absence of the Tycoon from his capital, with four out of the six members who compose his chief Council, is not however unattended with public inconvenience, and may at any time become embarrassing to the foreign Representatives. It

tells injuriously also upon the capital itself, which appears to be emptied of its principal occupants, and is reported to be much disturbed by robbers.

It is some satisfaction, however, to feel that the right of residence at Yeddo, which may be said at one time to have almost lapsed, has now, as a consequence of the energetic measures of the last year, been practically recovered. I have paid three visits to Yeddo during the two months I have passed in Japan, and looking to the powers usually given to the subordinate officers sent by the Gorogio to Yokohama, I have already had reason to appreciate the advantage of access to their superiors. But while the country remains in its present unsettled condition, and so much mystery or uncertainty obtains as to the seat of the real administrative power, I am disposed to believe that a residence at Yokohama with ample facilities for going up to Yeddo whenever he may have occasion, and for staying there as long as he may see fit, is probably the best position for Her Majesty's Minister to occupy under existing circumstances.

I have, &c.
(Signed) HARRY S. PARKES.

P.S.—Since writing the above, Mr. Von Siebold has communicated to me a report that great dissatisfaction prevails amongst the troops and Daimios of the Tycoon's army, because he continues to postpone active measures against Choshu, and has contented himself with summoning to Osaka, for purposes of negotiation, Choshu's principal Karo (or Minister), and Mori Awaji no Kami, another of his subordinate vassals.

H. S. P.

No. 57.

Sir H. Parkes to Earl Russell.—(Received November 11.)

My Lord, Yokohama, September 12, 1865.

IN continuation of my despatch of the 25th ultimo, I have to inform your Lordship that the payment of the first instalment of the Shimonasaki indemnity was completed on the 1st instant, and the inclosed receipt for the same was signed by myself and the Representatives of France, the United States, and the Netherlands.

The money now lies in the Oriental and Mercantile Banks waiting the instructions as to its disposal of the Governments concerned.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 57.

Receipt given to the Japanese Government on the Payment of the First Instalment of the Indemnity.

THE undersigned Representatives of Great Britain, France, the United States, and the Netherlands hereby acknowledge to have received from the Government of the Tycoon the sum of 500,000 dollars as the first instalment of the indemnity payable to the aforesaid four Powers under the Convention of the 22nd October, 1864.

The Government of the Tycoon having applied in April last to the aforesaid Representatives for an extension of time in respect to the payment of the second instalment of the said indemnity, the aforesaid Representatives have submitted that application to the consideration of their respective Governments and now await instructions on this point. The payment of the present instalment is entirely independent of that application, but to prevent the possibility of misunderstanding, it is hereby distinctly declared that the receipt of the aforesaid 500,000 dollars does in no degree affect the right of the aforesaid four powers, to require, if they see fit to do so, from the Government of the Tycoon, the punctual payment of the whole indemnity in quarterly instalments in the manner stipulated in the aforesaid Convention.

At Yokohama, this 4th day of September, 1865.

(Signed) HARRY S. PARKES, *Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary in Japan.*
LEON ROCHEŒ, *Ministre Plénipotentiaire de Sa Majesté l'Empereur des Français au Japon.*
A. L. C. PORTMAN, *Chargé d'Affaires ad interim of the United States of America in Japan.*
D. DE GRAEFF VAN POLSBROEK, *His Netherlands Majesty's Consul-General and Political Agent in Japan.*

Mr. Grey to the Earl of Clarendon.—(Received November 18.)

(Extract.)

Paris, November 16, 1865.

WITH reference to my despatches of the 14th and 23rd October to Earl Russell, and to his Lordship's replies of the 21st and 27th of the same month, I have the honour to inform your Lordship that M. Drouyn de Lhuys spoke to me to-day on the subject of the distribution of the indemnity to be paid by Japan to the Powers concerned in the hostilities which took place in the Straits of Shimonasaki. I had already informed his Excellency that if the question raised by the United States' Minister related only to the distribution of the indemnity, Her Majesty's Government had no objection to the discussion of that point at Paris.

M. Drouyn de Lhuys expressed his desire that that question should be proceeded with at once. He said that Mr. Bigelow was ready, and that as the Congress of the United States would soon assemble, it was important to him to see the matter adjusted. His Excellency said he did not conceive it was a question involving any difficulty. One instalment of the indemnity had already been paid by the Japanese, so that whether any modification of the further amount to be paid by them was agreed to or not, whether a longer term was to be granted to them or not, or whether the opening of a port was to be accepted in lieu of money or not, there was at all events a certain sum to be shared amongst a certain number of claimants, and the proportion in which this sum should be distributed might now be fixed and serve as a rule for the distribution of all future instalments.

M. Drouyn de Lhuys went on to say that the impression of the French Government was that time might be granted to the Japanese Government, as they asked, for the payment of the rest of the indemnity. He thought that the best policy to pursue was to yield to the desire expressed by the Tycoon, whom he believed it was our interest to support. He preferred the payment of a sum of money by the Japanese as an indemnity to the alternative of opening a port, which we could not force them to do. But if that question were to be raised again, or if Her Majesty's Government after receiving further news from Japan were to alter their views, the Conference which should meet in Paris for the distribution of the indemnity might or might not discuss the matter. What his Excellency appeared to me to be most anxious about was that the adjustment of the proportion in which the indemnity is to be distributed should be fixed at once, taking the first instalment already paid as a basis to work upon.

I had already on a previous occasion told M. Drouyn de Lhuys that Her Majesty's Government were disinclined to allow the Government of the Tycoon to delay the payment of the indemnity beyond the time stipulated in the Convention, and as I conceived his Excellency to be making his remarks to-day in answer to what I said before, I confined myself to the statement that I was instructed to agree on the part of Her Majesty's Government to the discussion only of the distribution of the indemnity.

The Earl of Clarendon to Mr. Grey.

(Extract.)

Foreign Office, November 22, 1865.

I HAVE received your despatch of the 16th instant, reporting a conversation with M. Drouyn de Lhuys respecting the distribution of the Japanese indemnity, and I have to acquaint you that I approve the language which you held on that occasion.

Her Majesty's Government have no objection to your discussing with M. Drouyn de Lhuys, and with the United States' Minister at Paris, the question of the manner in which the first instalment of the indemnity which has been already paid by the Japanese Government should be distributed.

You will, however, understand that the result of your discussion must be referred home before it can be definitively adopted.

M. Drouyn de Lhuys' proposal, referred to in his despatch to the French Ambassador of the 22nd of July, that the money now deposited in local banks shall be remitted to Europe, is under the consideration of the Treasury, and I hope soon to be able to give you an answer to it.

With regard to the further observations made by M. Drouyn in your conversation of the 16th, I have to state to you that Her Majesty's Government must await Sir Harry Parkes'

report, in answer to the reference made to him on the subject, before they can come to a conclusion as to the course which it would be most advisable to pursue in regard to the remainder of the indemnity due by the Japanese Government.

Her Majesty's Government at present see no reason to alter their opinion, with which you are already acquainted, that it would be more advisable to obtain greater commercial facilities, such as might be expected from the opening to trade of one or more ports in Japan, than to insist upon the punctual payment of the remainder of the indemnity; and this being the case, you must take care to make it clearly understood that the discussion in which you now are authorized to take part has reference solely to that portion of the indemnity which has already been paid.

No. 60.

Sir H. Parkes to Earl Russell.—(Received November 28.)

(Extract.) Yokohama, September 29, 1865.

I HAVE visited Yeddo, and have had two interviews with the Gorogio. I expressed at one of these interviews the hope that the protracted stay of the Tycoon at Osaca would be conducive not only to the settlement of internal difficulties, but also to the satisfactory re-establishment of external relations on the sound and reliable basis that is derivable from the confirmation of the Treaties by the Mikado.

To these observations they replied that they had not lost sight of the subject, and that it would indeed be a most happy occasion for them when they were able to convey to the foreign Representatives the announcement that the ratification of the Treaties by the Mikado had been obtained. I am reluctantly, however, compelled to add that the tone of their remarks did not afford great room for hope that the realization of this desirable result admitted of speedy or easy attainment.

How far it rests with the Tycoon and his Ministers to bring it about I am unprepared to say, but in respect to the participation of the Daimios in the advantages of foreign trade, which is understood to be essential to the improvement of the views and feelings of that important class, and which the Tycoon unquestionably has it in his power to confer upon them, the same degree of delay is observable. It was only yesterday, that in the course of conversation with an intelligent Governor of Foreign Affairs, who had come down from Yeddo to confer with me on various matters, he volunteered the remark that no Daimio could come to Yokohama, or have dealings with or speak to a foreigner; and it is well known that the Yeddo Government regard with extreme jealousy the intercourse between the agents of certain Daimios and foreigners, which has sprung up at Nagasaki, where, in consequence of the remoteness of that port, the powers of the Central Government for surveillance and control are much weaker than in the neighbourhood of the capital.

No. 61.

Sir H. Parkes to Earl Russell.—(Received November 28.)

My Lord, Yokohama, September 30, 1865.

I AM glad to have to inform your Lordship that I have received from the Japanese Ministers the inclosed formal notice of their resolution to relinquish certain monopolies, which, contrary to the stipulations of the Treaty, and the agreement made in London in 1862, they have hitherto tenaciously maintained, in the case of particular marine productions, known as iriko (bêche-de-mer), awabi (sheli-fish), and sharks' fins. It appears that under old enactments the fisheries where these productions were obtainable were only worked for the Government. All the fish caught had to be delivered by the people to the Government at a very low rate, and when collected by the latter, were forwarded to the ports of Nagasaki and Hakodate, where it was generally sold by the authorities to Chinese dealers at rates which placed all other foreign purchasers at great disadvantage. As transactions in the larger staples of trade are not extensively conducted at the ports named, this disadvantage has been seriously felt, and been made the subject of constant complaint.

I have continued since my arrival to press the demands for the removal of these restrictions that for a long time past have been perseveringly made by my predecessors, and have urged upon the Japanese Ministers the necessity of their fixing a time within which the general promises they had previously made should be fulfilled. Your Lordship will observe that they have now named the 8th of November next as the date on which

dealings in these articles shall be made completely free ; and if the accounts that reach me of the oppression to which the fishermen have hitherto been subjected are correct, there is reason to hope that the removal of these restrictions will confer considerable relief on an honest and hard-labouring class of the native population.

I trust when the time named arrives I shall be able to report that the engagement has been faithfully adhered to by the Japanese Government. I may obtain further information at Hakodate on the subject that may be worth communicating to your Lordship, as Mr. Consul Vyse is strongly impressed with the importance of securing the complete abolition of these monopolies, which he considers have proved very prejudicial to trade at that port, and I am aware that the same opinion is shared by Mr. Consul Gower in respect to Nagasaki.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 61.

Midzuno Idzumi no Kami to Sir H. Parkes.

(Translation.)

I SEND you the following communication.

In reference to the trade in iriko, dried awabi, and sharks' fins, I have instructed the Governors of the three ports to communicate to the Consuls of the different Treaty Powers that it has been decided on to abolish the hitherto existing law with reference to the three articles in question, and to allow them to be sold without hindrance, as all other articles ; and that this trade law will come into operation on the 20th of our 9th month (November 8th).

But it may be the Governors will be able to allow this trade before the day fixed on. In that case they will notify it to the Consuls.

I request you to communicate the above to your Consuls.

With respect and consideration.

2nd of 8th month of 1st year of Kai-on (September 21, 1865).

(Signed) MIDZUNO IDZUMI NO KAMI.

No. 62.

Sir H. Parkes to Earl Russell.—(Received November 28.)

My Lord, Yokohama, September 30, 1865.

THE accompanying despatch, with inclosures, from Mr. Consul Gower, informing me that the Japanese, Tsunetaro, who tried to cut down several foreigners in the streets of Nagasaki, last June, has not yet been arrested, is another illustration of the slowness of the course of Japanese justice. I am of opinion that the Yeddo Government is desirous that the ruffian should not go unpunished, and the despatch of a special officer from Yeddo to Nagasaki is a proof of earnestness on their part. The Governor-elect of Nagasaki continues to visit me on the same subject, and, on the 28th instant, expressed his deep regret that the vessel which had then come in from Nagasaki had not brought more satisfactory reports. He is apprehensive that the man, having gained the coast at a part remote from Nagasaki, may have found it easy to take passage in some boat or junk, and thus made good his escape to some crowded town, where it will be difficult to trace him.

The little information that I have yet obtained as to the police system of Japan leads me to fear that it is very ineffective, and that the means at the disposal of the general Government for pursuing offenders from province to province, and of arresting them when discovered, are very imperfect. They may have it in their power, however, to attain a desired end by means of great perseverance, although a considerable amount of time may be occupied in the accomplishment of the object ; but, in order to induce them to continue their exertions, they have to be convinced that the foreign Governments are not indifferent to the result.

A remarkable instance of the eventual infliction of punishment, although long delayed, has occurred here this morning, in the case of a Japanese ronin, who was executed for having cut down at Yokohama, in 1859, the Chinese servant of Mr. J. Loureiro, then Consular Agent for France. The Chinese, being dressed in foreign clothes, was mistaken for an European by his murderer, who had determined to revenge himself on the first convenient foreigner he might meet, in return for a blow he had received from a Russian

officer. He was arrested for other offences, but, having confessed to the above crime, was sent by the authorities to Yokohama for execution, as satisfaction to the foreign Government that had thus been outraged.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure 1 in No. 62.

Consul Gower to Sir H. Parkes.

Sir, Nagasaki, September 16, 1865.

IN continuation of my despatch of the 1st of August, I regret to state that I have as yet nothing satisfactory to report in reference to the Japanese assassin Tsunetaro.

Some time past, at one of my weekly interviews with the Governor on the subject, I was told that the offender was traced in the neighbouring province of Hisen, where he sold his sword and trowsers, now in his Excellency's possession, but that the fugitive made good his escape.

Again, the Superintendent of Police reported to his Excellency in the inclosed letter that Tsunetaro was supposed to be in Hiuga, but had not yet been arrested.

I yesterday met at Government-house Kanemadzu Kanejiro, an officer sent from Yeddo to this port by the Gorogio expressly to help the Governor in securing the ruffian, and I was again assured of their earnest intention to that effect.

Although I am of opinion that the Governor is sincerely endeavouring to give us some satisfaction, I believe that his underlings will gradually become inactive in carrying out his views, unless the Yeddo Government repeatedly convey fresh orders, which I request you will kindly cause.

I have, &c.
(Signed) A. A. J. GOWER.

Inclosure 2 in No. 62.

Reports.

(Translation.)

WHILE I am still busied with the inquiry, the trace of the offender Tsunetaro, I have been informed by one person belonging to the police that he heard the travellers speaking on the road, while he passed through the province Higo, on another Government business, that one man called Tsunetaro, living in the village Moji, has wounded the coloured man at Nagasaki, when he was intoxicated, and escaped from there; but on the inquiry of the local Government, which was very strict, he proceeded to several places, and further escaped to the sea-shore, on a part of province Hiuga, which name is unknown, yet the police officer, having heard this news, has applied to arrest them.

Having once heard that one person of the same appearance with Tsunetaro has proceeded towards Hiuga, I have sent the policemen there to arrest him; but the information of their arrival is still not given, therefore it is not clearly understood if the offender Tsunetaro surely has proceeded there, or such news is only arisen on hearing the report that the policemen have been sent out.

Thus I will inform your Excellency as soon as I receive the further news, and no other news at present which will assist the inquiry.

25th of the 6th month.

Police Officer.

26th day of the 6th month of 1st year of Kai-o.

I beg to inform you that I have asked police officers whether Tsunetaro, who lives at Moji, is known to them or not, and received their answer that there be no certain means to catch him, after his running away; but I give you inclosed letter, made by police officers after they considered the circumstances stated by under-officers of the police.

I remain, &c.
(Signed) HATTORI SAYEMONOSKE.

To Abel A. J. Gower, Esq.

No. 63.

The Earl of Clarendon to Sir H. Parkes.

Sir,

Foreign Office, December 5, 1865.

HER Majesty's Government approve your successful efforts, as reported in your despatch of the 30th September, to obtain the removal of the restrictions hitherto existing on the sale of iriko and other articles which were claimed by the Japanese Government as a Government monopoly.

I am, &c.

(Signed) CLARENDON.

No. 64.

The Earl of Clarendon to Sir H. Parkes.

Sir,

Foreign Office, December 6, 1865.

I HAVE received your despatch of the 30th September, reporting that the assassin Tsunetaro is still at large. Her Majesty's Government consider it very desirable that this man should be apprehended and punished, as a warning to others of his class, and I have to instruct you to take a fitting opportunity of stating to the Japanese Government that you have been directed to urge this matter upon their serious attention.

I am, &c.

(Signed) CLARENDON.

No. 65.

The Earl of Clarendon to Mr. Grey.

Sir,

Foreign Office, December 12, 1865.

WITH reference to my despatch of the 22nd ultimo, respecting the disposal of that portion of the Japanese indemnity which has been paid by that Government, I now transmit to you a copy of a letter from the Treasury, from which you will perceive that the Board will be prepared to receive the amount of this instalment, namely, 500,000 dollars, to be held in deposit, subject to future arrangements as to its distribution, and that they further propose that the money should be at once paid into the Commissariat Chest at Yokohama, in which case an equivalent amount in sterling will be available in this country to be distributed among the Powers.

I have to instruct you to propose to the French Government and to Mr. Bigelow that the money should be remitted to Europe in the manner suggested.

I am, &c.

(Signed) CLARENDON.

No. 66.

Sir H. Parkes to Earl Russell.—(Received December 27.)

(Extract.)

Yokohama, October 30, 1865.

I HAD the honour to receive on the 6th instant at Hakodate, your Lordship's despatches of the 24th and 26th of July, and on the 23rd instant, at this place, that dated the 23rd of August—the latter one being of the new series to my address. In these despatches your Lordship makes known to me the views of Her Majesty's Government relative to the delay proposed by the Tycoon in respect to the payment of the second instalment of the indemnity due under the Convention of October 22, 1864, and your Lordship instructs me that as M. Drouyn de Lhuys was inclined to take a different view to that of your Lordship as to the feasibility of endeavouring to obtain from the Japanese Government the immediate opening of the port of Hiogo and other compensations in return for the remission of two-thirds of the indemnity, you had arranged with him that this question should be submitted to the consideration of the Representatives of the four Powers in Japan, in order that they might decide on the course to be adopted or to report to their Governments in the event of disagreement.

In order to give effect to these instructions I communicated with all my colleagues on my return to Yokohama, and on the 26th instant held a Conference with M. Roches, the Minister of France, and M. Polsbroek, the Political Agent of the Netherlands; the Chargé d'Affaires of the United States being absent in Yeddo. On making known to them the opinion of Her Majesty's Government that advantages calculated to promote the extension of commerce were to be preferred to the exaction of the indemnity of the Convention, and that the British Government were willing that two-thirds of the said money should be remitted in return for the prompt opening of the port of Hiogo and city of Osaca, the ratification of the Treaties by the Mikado, and the regularisation of the Tariff on a basis of 5 per cent., I had the satisfaction of finding that these views were concurred in by M. Roches. He explained the apparent change in the opinion he had given in the early part of the year in favour of the payment of the indemnity by pointing to the superior value of the compensations now proposed to the opening of a single port, which is the alternative stipulated in the Convention, and he observed that neither Shimonasaki nor Hiogo would in his opinion have compensated the four Powers for the relinquishment of the whole of the indemnity. The option of accepting the new proposals or continuing to pay the indemnity would, of course, be still reserved to the Tycoon; but in the event of the latter maintaining his preference for the indemnity, then its payment in quarterly instalments should, in M. Roches' opinion, be punctually exacted.

Being agreed, therefore, that it was desirable to obtain the above-mentioned conditions in lieu of two-thirds of the indemnity, it remained for us to consider how the necessary negotiation could be best undertaken, in view of the absence of the Tycoon and his principal Ministers at Osaca.

The following circumstances showed that their return cannot soon be looked for. According to information supplied both to M. Roches and myself, the Tycoon finds himself placed in a situation of considerable difficulty in the prosecution of the operations he has undertaken against Choshu. The severe measures he had at one time proposed being not approved of by the Daimios, more moderate demands had been substituted, but these also had hitherto failed to secure Choshu's submission. Finally, the Tycoon had sent in an ultimatum which would expire on the 15th of November, when, in the event of non-compliance on Choshu's part, the Tycoon will either have to commence active hostilities, or relinquish the contest without having vindicated his supremacy. Any fresh contingency, therefore, that would enable him without loss of dignity to avoid entering on this deplorable conflict would probably be welcomed as a means of escape from his present dilemma.

The presence with the Tycoon at Osaca of four out of the five members of the Gorogio suggested to my mind the expediency of the foreign Representatives visiting that place and discussing with them the questions on hand, instead of with the single other member now at Yeddo, Midzuno Idzumi no Kami. I felt it would be vain to attempt to obtain through the instrumentality of the latter the performance of that important engagement, the ratification of the Treaties by the Mikado, or the opening of the port of Hiogo. It also appeared to me that Osaca at this time would present more favourable opportunities than Yeddo for acquiring the information which your Lordship instructs me in your despatch of the 23rd of August to procure on the disputed question of whether the opening of Hiogo to foreign trade involves danger to the Tycoon's Government. And it also occurred to me that whatever result might attend our negotiations, the appearance of a fleet off Osaca could not fail to exercise a beneficial effect both on the Daimios who surround the Court of Kioto, and have had little opportunity of satisfying themselves of our power, and also on the people generally of that vicinity, whom it is well to begin to accustom to the sight of foreign visitors. It would serve also as an assertion of our intention to eventually claim our right of location at Hiogo, at the latest on the expiration of the delay allowed in the Agreement of 1862, unless by consent of the Japanese Government it should be opened at an earlier date.

On mentioning these considerations to my colleagues, they concurred with me that it was desirable that we should undertake at Osaca, instead of at Yeddo, the negotiation with which we are now charged. M. Roches also entertains a strong belief that our appearance at Osaca at this juncture would furnish the Tycoon with a sufficient excuse for again postponing hostilities against Choshu, and would thus afford the Government and the Daimios another opportunity of avoiding the outburst of civil war.

Our opinions, therefore, were unanimous as to the manner in which our negotiation should be proceeded with, and we also agreed that the expedition to Osaca should be undertaken with as little delay as possible. We minuted in the inclosed memorandum the subjects which had come under our consideration and the resolution we had taken, and on communicating this memorandum to the United States' Chargé d'Affaires at Yeddo, he at

once intimated to us his wish to sign it, and his readiness to join us in the execution of the proposed plan.

I inclose copy of my letter to Admiral King, applying for as many vessels as he could conveniently spare, and I add his reply informing me that he will convey me to Osaca Bay in his own flag-ship, and will take with him four other vessels. The French Minister will be accompanied by two ships, and the Dutch Agent by one. The United States' Chargé d'Affaires having no national vessel at his disposal, has been provided by Admiral King with accommodation in one of Her Majesty's ships. The 1st of November has been fixed for our departure.

I inclose copy of a "note identique," in which the four Representatives announce to the members of the Government at Yeddo their departure for Osaca. Upon hearing that the expedition was in contemplation, the remaining member of the Gorogio, Midzuno Idzumi no Kani, and the Vice-Minister Sakai Hida no Kami, came down to Yokohama yesterday to see M. Roches and myself for the professed purpose of dissuading us from the proposed movement. I was glad of the opportunity of explaining to the Minister that the objects of the expedition were strictly of a friendly nature, and of receiving his assurances that he would carefully maintain the tranquillity of Yokohama during our absence. Another noteworthy circumstance attaching to this visit is that it forms the first occasion on which a member of the Gorogio has called on a foreign Minister at his own residence.

In conclusion, I beg to say that I shall give to the important inquiries contained in your Lordship's despatch of the 23rd August my best attention, and I trust that our visit to Osaca may aid me in forming a reliable opinion as to the true source and extent of the opposition with which foreigners have still to contend.

Inclosure 1 in No. 66.

Memorandum.

EN vertu de la Convention signée le 22 Octobre, 1864, le Gouvernement Japonais s'est engagé à payer aux Gouvernements d'Angleterre, de France, des Etats Unis d'Amérique et des Pays Bas une somme de 3,000,000 de dollars comme indemnité des dépenses nécessitées par l'expédition de Shimonasaki.

Les Représentants des quatre Puissances susnommées, désireux de témoigner auprès du Gouvernement Japonais les sentiments désintéressés de leurs Souverains, et de leur unique désir d'améliorer leurs relations avec le Japon, laissèrent à Sa Majesté le Taïkoun la faculté de remplacer le paiement de cette indemnité par l'ouverture d'un nouveau port au commerce étranger.

Sommé par les Représentants des dites Puissances d'avoir à déclarer s'il voulait, ou non, user de cette faculté, le Gouvernement Japonais déclara, il y a six mois environ, qu'il préférerait payer l'indemnité, attendu que l'état du pays lui faisait considérer comme impolitique l'ouverture d'un nouveau port. Mais, en même temps, il demandait un délai d'une année pour opérer le second versement de l'indemnité.

Les Représentants des quatre Puissances, tout en reconnaissant au Gouvernement Japonais le droit d'opter entre les deux conditions, ne se crurent pas autorisés à accorder le délai demandé et durent en référer à leurs Gouvernements respectifs. Les instructions qu'ils ont demandées à ce sujet sont parvenues aux Soussignés.

Le droit du Taïkoun d'opter entre le paiement de l'indemnité aux termes fixés par la Convention du 22 Octobre, et l'ouverture d'un port dans la Mer Intérieure, est naturellement reconnu par chacune des dites Puissances, mais elles diffèrent d'opinion au sujet du délai demandé par le Gouvernement Japonais.

Les Cabinets de St. James et de la Haye exigent ou l'exécution rigoureuse des Articles de la Convention du 22 Octobre à cet égard, ou bien consentent à ce délai, et même à l'abandon des deux tiers de l'indemnité aux trois conditions suivantes:—

1. Que le Gouvernement Japonais ouvre le port de Hiogo et la ville d'Osaca le 1 Janvier, 1866.
2. Que le Mikado ratifie les Traités conclus avec les Puissances étrangères.
3. Enfin que le Tarif des droits d'entrée soit fixé pour le plupart des marchandises à 5 pour cent et ne puisse en aucun cas dépasser 10 pour cent.

Le Cabinet de Paris ne verrait, au contraire, pas d'obstacle à accorder un délai au Gouvernement Japonais, si ce dernier agissait de bonne foi à l'égard des Puissances signataires des Traités, et il verrait un danger à lui imposer l'ouverture d'Osaca avant

l'époque fixée par la Convention Additionnelle de 1862. Le Cabinet de Paris déclare en outre formellement, ce qui est également admis par les Cabinets de St. James et de la Haye, que le Taïkoun étant libre d'opter entre le paiement de l'indemnité et l'ouverture d'un port, nous ne serions pas en droit, si ce Prince exécute l'une de ces conditions, d'exiger l'ouverture anticipée de Hiogo et d'Osaka.

Le Ministre de l'Empereur ajoute, en résumé, dans la dépêche que son Excellence adresse aux Cabinets de Londres, de la Haye, ou de Washington, en date du 22 Juillet, 1865, que le Gouvernement Impérial est d'avis que la solution de cette question soit remise aux Représentants des quatre Puissances au Japon.

En réponse à cette communication, Lord Cowley a fait connaître à M. Drouyn de Lhuys que le Gouvernement de Sa Majesté Britannique consentait à cette dernière proposition.

Le Représentant des Etats Unis d'Amérique n'a pas reçu d'instructions de son Gouvernement, mais les mesures arrêtées par le présent memorandum n'étant que la conséquence de la politique qui a été inaugurée entre les quatre Puissances signataires des Traités, M. Portman, Chargé d'Affaires *ad interim*, n'hésite pas à cette occasion de s'unir à ses collègues.

M. le Graeff van Polsbroek a reçu des instructions identiques de son Gouvernement.

En l'état, les Représentants soussignés d'Angleterre, de France, des Etats Unis d'Amérique et de Hollande ont jugés nécessaire de se réunir à l'effet de s'entendre :—

1. Sur les moyens de concilier entre elles les instructions de leurs Gouvernements respectifs, tout en conservant intacte l'union et l'entente commune qui leur ont déjà donné tant de force. Et

2. Sur la marche à suivre afin de tirer le meilleur parti possible de la situation actuelle.

Après avoir examiné la question sous toutes ses faces :

Considérant, d'un côté, que les propositions du Gouvernement de Sa Majesté Britannique relativement à l'abandon d'une partie de l'indemnité : 1. De l'ouverture anticipée du port de Hiogo et de la ville d'Osaka ; 2. De la ratification des Traités par le Mikado ; et 3. De la revision du Tarif des Douanes,—sont conformes à l'esprit de la Convention du 22 Octobre, 1864 ;

Considérant, d'un autre côté, que le Gouvernement de Sa Majesté l'Empereur ne s'écarte des propositions du Cabinet de St. James qu'en ce qu'elles auraient d'inopportun, vu l'état des partis au Japon ;

Considérant que les conditions réclamées par l'Angleterre et la Hollande, si elles étaient accordées spontanément par le Gouvernement Japonais, n'offriraient plus les dangers que redouteraient la France si ces conditions étaient imposées, et seraient préférables pour tous les intéressés au paiement des deux tiers de l'indemnité, et que dès lors la France n'aurait plus d'objection à opposer à ce nouvel arrangement, qui, on le répète, est tout à fait conforme à l'esprit de la Convention du 22 Octobre ;

Considérant que l'intérêt bien entendu des Puissances signataires des Traités et du Japon lui-même exige une prompt solution aux questions pendantes, et que l'abandon des deux tiers de l'indemnité pourrait faciliter et hâter la ratification des Traités par le Mikado, ratification qui est la meilleure garantie, à l'avenir, des bonnes relations des Puissances étrangères avec le Japon, et que, du reste, le Gouvernement du Taïkoun s'est engagé à l'obtenir du Mikado ;

Considérant que l'absence du Taïkoun et de ses principaux Ministres rend toute négociation à Yédo, si non impossible, du moins illusoire ; qu'il importe pourtant d'affirmer notre droit d'obtenir, en son temps, l'exécution d'un engagement et d'une Convention solennels, et de convaincre le Gouvernement Japonais, ainsi que le Mikado et les Daimios, que les Puissances étrangères sont irrévocablement décidées à exiger l'ouverture de Hiogo et d'Osaka à l'époque fixée par les Traités, s'ils ne l'obtiennent pas avant, par suite d'un accord mutuel ;

Les Représentants soussignés sont convenus, d'un commun accord, de transporter momentanément à Osaka le siège des négociations.

Cette mesure, qui est parfaitement conforme à l'esprit des Traités, puisque les dits Représentants sont accrédités auprès de la personne du Taïkoun, aura, en outre, aux yeux des amis et des ennemis du Taïkoun une signification qui pourra singulièrement influencer sur l'heureuse issue des événements qui se préparent.

En effet, les Soussignés ont été informés que le Taïkoun, cédant aux instances du Mikado et des Daimios qui l'entourent, a consenti à recevoir le Prince de Nagato à résipiscence moyennant des conditions que ce Daimio rebelle avait acceptées, il y a huit mois environ, du Prince d'Ouari, Généralissime de l'armée Taïkounate, mais qu'il n'a pas remplies sous divers prétextes. Or, le Taïkoun se méfiant, avec raison des dispositions

réelles de son sujet, a fixé une époque (le 15 Novembre) passé laquelle il considérera comme non avenues les conditions favorables qu'il a bien voulu accorder au Daimio rebelle, et procédera immédiatement à son châtimement.

L'arrivée à Osaka des Représentants des Puissances signataires des Traités venant à ce moment décisif, suivis d'une force navale respectable, traiter amicalement avec les Ministres du Taïkoun, empêcherait, il y a lieu de le croire, le commencement des hostilités qui seraient peut-être le signal de la guerre civile, dont les conséquences, quelles qu'elles fussent, ne pourraient que nuire aux intérêts politiques et commerciaux des Puissances étrangères au Japon. En tout cas cette arrivée ne peut manquer de donner au Gouvernement Japonais l'appui moral qui doit lui faciliter le résultat de ses démarches à l'effet d'obtenir du Mikado la ratification des Traités.

En conséquence, les Soussignés sont convenus de s'adresser immédiatement aux commandants des forces navales de leur nations respectives afin de lui faire connaître la situation politique et de les inviter à les transporter à Osaka, où ils séjourneront le temps nécessaire pour mener à bonne fin l'importante négociation qui les y appelle.

Les Soussignés prennent cette détermination avec la conviction intime qu'elle peut amener de très heureux résultats, et qu'en aucun cas elle n'est de nature à compromettre la politique sage et conciliante que leurs Gouvernements respectifs leur ont ordonné de suivre à l'égard du Japon.

Fait à Yokohama, en quadruple exemplaire, le 30 Octobre, 1865.

(Signé)

HARRY S. PARKES, *Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary in Japan.*

LEON ROCHES, *Ministre Plénipotentiaire de Sa Majesté l'Empereur des Français.*

A. L. C. PORTMAN, *Chargé d'Affaires, ad interim, of the United States in Japan.*

D. DE GRAEFF VON POLSBROEK, *His Netherlands Majesty's Political Agent and Consul-General in Japan.*

Inclosure 2 in No. 66.

Sir H. Parkes to Vice-Admiral King.

Sir,

Yokohama, October 26, 1865.

HAVING received the instructions of Her Majesty's Government to make to the Government of the Tycoon, in concert with the Representatives of the four Powers who signed the Convention of the 22nd October, 1864, certain important representations relative to the delay occasioned by the Tycoon in the fulfilment of the conditions of that Convention, I have the honour to inform you that at a meeting held this day between myself and my colleagues of France and the Netherlands the opinion was unanimously agreed to, that in view of the prolonged absence at Osaka of the Tycoon and the principal Ministers of his Cabinet, it is desirable that the negotiations we have to undertake should be conducted at that port.

I have accordingly to request that you will furnish me and my suite of three gentlemen with the means of conveyance to the Bay of Osaka, and also that you will allow me to be accompanied by as large a force of Her Majesty's vessels as you can conveniently detach on this service.

The object of the expedition is entirely of an amicable nature; but I am of opinion that it is highly important in the preservation of our interests that the opportunity should not be lost of reminding both the Government of the Tycoon and the party reputed to be hostile to foreigners who are still believed to surround the Mikado that we retain in these waters the means of defending those Treaty rights which have been gravely imperilled by one or other of these parties on more than one occasion.

I find it difficult to form beforehand any estimate of the time that may be occupied in our negotiation, as this will chiefly depend upon the readiness shown by the Japanese authorities to meet the proposals we have to submit to them. I may remark, however, that I see reason to hope that the detention of the foreign Representatives in Osaka Bay may not exceed three weeks.

I should mention that my colleagues are agreed with me that it is very desirable that all the vessels forming the expedition under our respective flags should sail in company, as far as this is practicable; and I may add, that the French Minister will be accompanied

by both the French vessels now in port, "La Guerrière" and "Dupleix," and the Dutch Political Agent by the "Zoutman."

My colleagues are also anxious that Monday morning, the 30th instant, should be named as the day of departure.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure 3 in No. 66.

Vice-Admiral King to Sir H. Parkes.

Sir, "Princess Royal," at Yokohama, October 28, 1865.

IN reply to your letter of the 26th instant, requesting conveyance for yourself and suite to the Bay of Osaca, and also that you may be accompanied by as large a force as can be conveniently detached on this service, I beg to offer my flag-ship for the accommodation of yourself and suite, and I have detailed four other ships of the squadron to accompany the "Princess Royal," and shall be ready to sail on Monday if required.

The "Perseus" (and probably a gun-boat) will follow on the arrival of the English mail; but should it arrive before the French packet, I dare say it would be acceptable to the French Minister, that the "Perseus" should await the arrival of the last-mentioned steamer, so that all letters, &c., might be brought on.

I have, &c.
(Signed) GEORGE KING.

Inclosure 4 in No. 66.

Sir H. Parkes to the Japanese Ministers for Foreign Affairs.

Yokohama, October 30, 1865.

HAVING received the instructions of my Government relative to the proposal of their Excellencies the Japanese Ministers, as communicated to Her Britannic Majesty's Chargé d'Affaires in their letter of the 6th of April last, to defer for a year the payment of the second instalment of the indemnity stipulated in the Convention of the 22nd of October, 1864; and as it is necessary that immediate action should be taken upon these instructions, I have carefully considered the whole question in conference with my colleagues, the Representatives of France, the United States of America, and the Netherlands, and have formed with them the unanimous opinion that the surest and promptest mode of securing a solution that will prove satisfactory to all the contracting Powers is, to conduct with the Ministers who are at present with the Tycoon, the negotiation of this important affair.

The Undersigned has therefore the honour to inform their Excellencies that he intends to proceed immediately to Osaca with his colleagues of France, the United States of America, and the Netherlands, and as the objects they have in view are strictly of a friendly character, they cannot doubt that this step will lead to the desired results.

With respect, &c. (Signed) HARRY S. PARKES.

No. 67.

Sir H. Parkes to Earl Russell.—(Received December 27.)

My Lord,

Yokohama, October 31, 1865.

I HAVE the honour to inclose copy of a despatch from Mr. Consul Gower giving cover to an interesting report by Mr. Assistant Schmid of his visit to the Goto Islands in search of the survivor of the crew of a ship which had foundered in that neighbourhood and proved to be the Dutch vessel "Johan Melchior Kemper."

I feel I should not omit to recommend to your Lordship's notice the good judgment exercised by Mr. Schmid on this occasion, or to point to another instance of the good feeling so constantly evinced by the Japanese people towards shipwrecked foreigners. Less liberality appears to have been shown by the officers of the Government of Nagasaki who accompanied Mr. Schmid, and tried to check his intercourse with the people who proved themselves to be so well disposed.

I have received the thanks of Mr. Polsbroek, the Political Agent of the Netherlands, for the services rendered by Mr. Schmid.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure 1 in No. 67.

Consul Gower to Sir H. Parkes.

Sir,

Nagasaki, September 26, 1865.

I HAVE the honour to inform you that on the 21st instant I requested Captain Webb of Her Majesty's ship "Rattler" to cause one of the gun-boats in harbour to go to the Goto Islands, and there render assistance to the crew of a totally wrecked ship whose nationality was unknown to my native informants.

As I was unable to proceed there myself, I desired Mr. Assistant Schmid to represent me, who most ably did so, and on his return furnished me with a very detailed and interesting report, copy of which I have the honour to inclose. By this document you will observe that it was the Dutch barque "Johan Melchior Kemper" which was totally lost; and all that could be traced of her were four of the wreck's victims washed on shore and one single living sailor, who was safely handed over to Mr. A. J. Banduin, Consul of the Netherlands at this port. I have since received the expression of his sincerest thanks for the service thus rendered; and in reply I observed that we had done nothing more than an act of humanity, which would naturally be expected at the hands of those who might have the means to carry it into effect.

I have, &c.
(Signed) ABEL A. J. GOWER.

Inclosure 2 in No. 67.

Mr. Schmid to Consul Gower.

Sir,

Nagasaki, September 25, 1865.

IN accordance with your instructions I proceeded on Thursday night the 21st instant on board Her Majesty's gun-boat "Bustard," to the Goto Islands, in order to make search after the ship reported by the Governor of Nagasaki to have been lost there on the 22nd day of the 7th Japanese month (11th instant), to ascertain her nationality and the particulars of the shipwreck, to rescue the sole survivor stated by the Governor to be there, and to see what had been done with the four corpses also stated to have been washed on shore.

We arrived at daybreak the 22nd instant at Twase-uri, the principal village of the Island of Nakadori, the second in extent of the Goto group. The first message of the shipwreck had been sent to Nagasaki from that village, and we therefore supposed the calamity had taken place thereabout.

We stopped at one mile's distance from Twase-uri, and soon espied a boat with native officials approaching the "Bustard." On coming on board they informed us that the tops of the ship lost had been seen close to the shore amongst some islands to the south of Nakadori; that one man had been washed on shore alive on the 22nd day of the 7th Japanese month (11th instant), and taken to the Island of Hinoshima, where he would now be found, together with four corpses washed on shore about the same time, and evidently part of the crew.

With regard to the nationality of the ship, and the colour of these men, no information could be gathered. The officers, however, promised to send at once intelligence to Hinoshima of our arrival, but stated it would take some time before a reply might be expected, which, as we afterwards found, might have been for several days. They strongly dissuaded us from going to the island, as it was not approachable by even such a small vessel as the "Bustard." It became more or less obvious that it was merely their wish to prevent us from gaining any information with regard to the island group, generally speaking.

When they also warned us from proceeding to the Kuga Channel (since years already surveyed, and at no far distance from Hinoshima), and stated that there was no anchorage anywhere to be found there, we knew what value to attach to their advices, and therefore

gave them to understand that we could no longer be detained, and requested them to procure a pilot for us if they had any with them.

When they became aware of our determination, they at last agreed that some native whom they had brought in their boat, and whom they stated to be acquainted with the coast, should accompany us. I may, however, state that his knowledge was of the scantiest and least reliable, and that it was only owing to our charts we rode in the afternoon of that day safely at anchor in the beautiful and perfectly sheltered little harbour called Hardy Harbour, close to the island and village of Narushima.

A boat with the officials of that village arrived without delay alongside the "Bustard," and gave us again the same indistinct account of what had happened. Boats, however, were procured for me to go over to Hinoshima, but owing to the stress of bad weather, the attempt had to be relinquished on that day.

No doubt, seeing our determination to reach the place where the shipwrecked man and the four corpses were kept, the officers the Governor of Nagasaki had sent on board the "Bustard" to accompany us became more pliant, and of course the officers of the island followed in their wake. We learned that we could approach the Island of Hinoshima in our gun-boat without any apprehension from rocks and shallow water, and would find quite a safe anchorage there. The promise was made that a pilot would take us round on the following morning, with the solemn assurance we might rely on his knowledge of the coast.

Thus, on Saturday morning, the 23rd instant, we started from Hardy Harbour with the pilot and our Nagasaki officers on board, and arrived at Hinoshima about noon, after having passed close to the points where the ship was lost and the men were washed on shore. We discovered, on our arrival at Hinoshima, a magnificent harbour, till now never visited by foreign ships. I have no doubt Captain Adams of the "Bustard" will inform his superiors of the great advantages it may offer to navigation on future occasions.

At the village of Hinoshima we finally found the man sought after, and learned from him, he was a Dutch sailor. The ship he formally belonged to was the Dutch barque "Johan Melchior Kemper." She had left Yokohama on the 2nd instant, bound for Nagasaki in ballast, with fifteen souls in all on board. According to his statements, she foundered from shifting of the ballast (gravel) on the evening of the 10th September. We ascertained that this must have been about two miles south-west of Hinoshima, where she went to the bottom of the sea, bow foremost. He had leaped, timely enough, overboard; and partly by the waves, partly by his own exertions in swimming, managed to keep clear of the rocks and reach a safe landing, whence he was taken by the natives of Hinoshima. He appeared to be quite happy at that village, and stated he had been treated by the people during his stay there with extreme kindness. From the little I had occasion to observe, I feel certain that such must have been the case. The four corpses subsequently washed on shore he recognised to be those of the master, second mate, boatswain, and a sailor. Three of these bodies had already been buried at once near the spot where they were first found; but, when the fourth was washed on shore, they were disinterred, and all the four taken to Hinoshima, where they were put in wooden boxes neatly covered with straw mats. As nearly a fortnight had elapsed since the occurrence of the shipwreck, we found these four bodies too far gone in decomposition to be taken by us to Nagasaki, without endangering the health of about fifty people on board so small a vessel as the "Bustard;" and yet the Nagasaki officers insisted on their being taken away by us, pleading that only at the ports open to foreigners, foreigners could be interred. I knew before, that this objection would be raised, but was determined to combat what I on such occasions specially considered to be mere prejudice and intolerance. At the same time, I could clearly perceive the authorities of the village themselves were not at all unwilling to grant me a burial-ground and, in fact, made it dependent on the decision of our Nagasaki officers. After a very lengthy conversation on this subject, they agreed to assist us in the interment on a native cemetery in the island of Wakamasu, in the innermost part of the harbour; the dead bodies, however, to remain there only subject to the approval of the Gorogio. We also had to promise we would arrange matters with His Netherlands Majesty's Consul at Nagasaki, that no Dutchman would be allowed in future to visit the grave without the consent of the Governor of Nagasaki.

It was on conducting the coffins in boats to that place, one of the loveliest spots my eyes ever rested on, we discovered the full extent and advantages of the harbour already mentioned.

On Saturday evening at twilight, the grave dug with the mutual assistance of the "Bustard" seamen and the natives, was closed, and the local authorities gave us the promise it would be respected, and taken care of henceforth.

On Sunday morning, the 24th instant, we left Hinoshima, embarking the shipwrecked

man, a box containing some flags and two bundles of cloth, the only remains of the "Johan M. Kemper," driven on shore. A few spars and planks which had also been washed on shore, we did not think it worth while to take on board as of no value, and we therefore left them in the hands of the Hinoshima people. We arrived about noon again at Hardy Harbour, and remained there at anchor until early on the following morning, when we left for this port, which we safely reached to-day.

I at once informed His Netherlands Majesty's Consul of the loss of the ship belonging to his country's flag. The only survivor of her crew, together with the articles before mentioned, were delivered into his hands.

In conclusion I venture to offer a few general remarks arising from this cruise.

I cannot refrain from specially mentioning the kindness invariably evinced towards us by the natives on the islands we visited, and only regret to say our Nagasaki officers, who seemed to find immediate compliance with their orders wherever we went to, systematically tried to prevent any friendly intercourse we wished to hold with the people on shore.

Two vessels (the French barque "Rigi," in June last) have now been shipwrecked on the bold coast of the Goto Island group, within a couple of months of each other, during the present year, and we have to apprehend similar accidents for the future. I therefore consider it of vital importance that every opportunity should be made use of to engender kindly feelings to foreigners amongst the inhabitants of these islands. Even should they not have the power to save ships in danger on their coast from wreck and ruin, they might at least render great and important service in saving the lives of foreigners and parts of cargoes. The erection of light-houses, or at least of beacons in dark and stormy nights, would be most desirable, chiefly on an island like Hinoshima, where vessels from the coast of China bound for Nagasaki, and driven as far north as the 33rd degree of north latitude, could at all times find an easy entrance and a safe anchorage.

As to the productions of the soil of these islands, I was not able to form a correct idea except by judging from the income of the Prince (Goto Hida no Kami) 12,000 kokus of rice per annum. Wherever ground is available it is highly cultivated, and must yield abundantly for the want of the islanders, whose villages we discovered now and then hidden in some snug corner.

Fishing also seems to be one of their chief pursuits, and I believe a considerable surplus of cuttle fish and other dried fish, as well as of sea-weed, chiefly for the China market, might be annually exported from these islands in exchange for some of our manufactures. Chinese junks, I was told, used in former years occasionally to trade there.

I would finally recommend the native authorities of the villages of Hinoshima and Karushima, particularly the former, to your special notice at your next interview with the Governor of this port, as I think an official conveyance of your thanks to them through him would not fail to leave a good impression on their minds, and be proof to them that the anxiety they showed in the case of the shipwreck, and the willingness with which they wished to assist us, were fully appreciated.

(Signed) K. E. SCHMID.

No. 68.

The Earl of Clarendon to Earl Cowley.

My Lord,

Foreign Office, December 30, 1865.

I TRANSMIT to your Excellency herewith, for your information, a copy of a despatch from Sir Harry Parkes,* and of its inclosures, upon the question of the payment by the Japanese Government of the remaining instalments of the indemnity, or of foregoing their payment in consideration of other advantages to be accorded to Treaty Powers.

I have to instruct your Excellency to communicate this correspondence to M. Drouyn de Lhuys.

I am, &c.
(Signed) CLARENDON.

No. 69.

The Earl of Clarendon to Sir H. Parkes.

Sir,

Foreign Office, January 1, 1866.

I HAVE received your despatch of the 31st of October, inclosing a copy of the Report made by Mr. Schmid to Consul Gower of his visit to the Goto Islands in search of the survivors from the wreck of the Dutch vessel "Johan Melchior Kemper," and I have to instruct you to convey to Mr. Schmid my approval of his proceedings on the occasion in question.

You will express to the Japanese Government the satisfaction of Her Majesty's Government at the conduct of the islanders in this affair.

I am, &c.
(Signed) CLARENDON.

No. 70.

The Earl of Clarendon to Sir H. Parkes.

Sir,

Foreign Office, January 1, 1866.

YOUR despatch of the 30th of October, with its inclosures, has been received and laid before the Queen, and I have to convey to you the entire approval by Her Majesty's Government of your intention to proceed, in company with your colleagues, to Osaka, with a view to conduct in that city the negotiations with which you are charged, on the subject of the concessions to be made by the Japanese Government in lieu of the indemnity payable under the Convention of the 22nd October, 1864.

I am, &c.
(Signed) CLARENDON.

No. 71.

The Earl of Clarendon to Earl Cowley.

(Extract.)

Foreign Office, January 1, 1866.

THE French Ambassador has spoken to me several times within these few days respecting the manner in which the indemnity payable by the Japanese Government in regard to the transactions at Shimonasaki should be divided between the four Powers, namely, England, France, Holland, and the United States.

Of the 3,000,000 dollars which the Japanese Government covenanted to pay, they have only as yet paid 500,000 dollars; and they have asked for a prolongation of the time within which the stipulated instalments of the balance were to be paid.

Her Majesty's Government, as you are aware, have from the first been of opinion that it would be much better for the interests of commerce, and generally of the relations of foreign Powers with Japan, to come to an understanding with the Japanese Government on the principle of commuting the payment of the balance of indemnity for greater facilities for the trade of foreign nations.

The French Government were indisposed to share this opinion, but they eventually agreed to refer the question to the consideration of the Representatives of the four Powers in Japan.

The despatch of Sir Harry Parkes of which a copy was inclosed in my despatch of the 30th ultimo, and which you were directed to communicate to M. Drouyn de Lhuys, shows that, after a joint deliberation, it was agreed that the Representatives should proceed together to Hiogo, and there endeavour to enter into direct communication with the Mikado, at whose Court the Tycoon and four out of five of the principal Ministers of the Tycoon were residing, and, if possible, to obtain:—

1. The immediate opening of the port of Hiogo and city of Osaka to foreign trade.
2. The ratification by the Mikado of the Treaties with foreign Powers.
3. A modification of the Tariff on the principle of a general 5 per cent. duty, with only a few exceptions, in which a duty not exceeding 10 per cent. might be levied.

The result of this expedition may reach Europe by the next or by the subsequent mail; and in the meantime, the only sum of the indemnity which is available for division is that of 500,000 dollars already paid by the Japanese Government, and which constitutes one sixth part of the whole.

The late Mr. Grey, as your Excellency will find on consulting the archives of your Embassy, was authorized to concert with M. Drouyn de Lhuys and Mr. Bigelow, the Minister of the United States, as to the manner in which division should be made; but I am not aware whether anything was done by him before his death in the matter.

The French Ambassador, however, about a week ago, placed in my hands the extract of a despatch from M. Drouyn de Lhuys of the 22nd of July last to the French Chargé d'Affaires at this Court, which had been already communicated by the latter *in extenso* to Earl Russell, explaining his views as to the principle on which the indemnity receivable from the Japanese Government should be divided.

You will find in Sir Rutherford Alcock's despatch of the 28th of October, 1864, an account of what passed in Japan in regard to prior claims which the Governments of France, Holland, and the United States were held to have on the stipulated indemnity of 3,000,000 dollars; and in conformity with what is recorded in that despatch, M. Drouyn de Lhuys suggests that the separate claim of France should be held to be for 140,000 dollars, being the amount agreed upon between the French Government and the Japanese Envoys at Paris in the month of June 1864, as compensation for certain injuries sustained by French subjects, and that the separate claims of Holland and of the United States for damages done to their respective shipping in the Straits of Shimonasaki, before the operations against Choshu were undertaken, should be held to be severally for the same amount, thus making an aggregate sum of 420,000 dollars a first charge on the whole indemnity of 3,000,000 dollars which the Japanese Government had undertaken to pay, and payable, rateably of course, out of the several instalments as they might be received from Japan.

Her Majesty's Government have no objection to this arrangement, which is in accordance with the understanding among the Representatives in Japan; and accordingly, as a sixth part of this indemnity, or 500,000 dollars, has now been received from Japan, a sixth part of the entire special compensation due to France, Holland, and the United States, namely, 70,000 dollars, must be deducted in the first instance from the sums received, whereby a balance of 430,000 dollars will remain for distribution among the four Powers.

The Representatives in Japan did not attempt to lay down any rule by which the balance remaining, after providing for the special compensation above alluded to, should be divided; but Sir Rutherford Alcock sent home to his Government, as the Representatives of the other Powers probably did to their own Governments, a return of the naval and military forces of the four Powers employed within the waters and territories of Japan, on sea or on shore, at the time that the joint operations against Shimonasaki were undertaken by the allied forces.

It was apparently held, and with justice, by the Representatives in Japan, that the forces which were left to guard the foreign settlements at Yokohama and elsewhere, as well as the ships employed in keeping up communication with the squadron engaged in active operations at Shimonasaki, all contributed, though in different ways, to the success of those operations, and were therefore all entitled to be reckoned in estimating the amount of material means contributed by the several Powers.

Proceeding to the consideration of the manner in which the balance of the indemnity, after providing for the special compensations, should be divided, M. Drouyn de Lhuys, in his despatch to which I have referred, suggests that the division should be made according to the proportion the forces of each Power in Japan bore to the aggregate force of the four.

The United States' Minister, on the other hand, is understood to contend that as the general co-operation of all the four Powers must necessarily have had great and equal weight if not in the actual operations at all events in the measures which preceded them, and afterwards in turning the result to good account, it would be fair to look upon the several Powers as contributing in an equal degree to the success of the common cause, and therefore as entitled to share equally in the indemnity which the Japanese Government agreed to pay.

Her Majesty's Government are not indisposed to concur in this view of the question. It cannot be doubted that the joint action of all the Powers collectively afforded, and still affords, the surest means of producing a most salutary effect on the Japanese Government and people, who would be only too glad to detect and would certainly take advantage of the slightest indication of the existence of a separate interest among them.

The American principle of partition will secure to France a larger share of the indemnity than she would obtain under the principle of distribution suggested by M. Drouyn de Lhuys, while Holland and the United States would be benefited by it in a still greater degree. England alone would be required to make a sacrifice; but Her Majesty's Government will consent to do so, if only to mark their conviction of the

community of interest which the four Powers have in Japan, and as an evidence of their hope and desire that that community of interest will be the principle by which the conduct of all of them will invariably be regulated in that distant and peculiar country.

Your Excellency, in the communications which it will be henceforward your place to have with M. Drouyn de Lhuys and the American and Dutch Ministers on this subject, will regulate your language by the tenour of this despatch.

No. 72.

Sir H. Parkes to Earl Russell.—(Received January 5, 1866.)

(Extract.)

"Princess Royal," off Hiogo, November 14, 1865.

IN my despatch of October 30 I had the honour to inform your Lordship that having submitted to the consideration of my colleagues the Representatives of France, the United States of America, and Holland, the conditions which Her Majesty's Government deem it desirable to obtain from the Tycoon in return for the proposed remission of two-thirds of the indemnity due under the Convention of October 1864, they had entirely concurred in the views of Her Majesty's Government. I also stated that we were unanimously of opinion that the negotiation of these proposals could not be conducted with success at Yeddo, with the single member of the Gorogio now remaining there, and that we had accordingly determined to visit the Bay of Osaca, in order to secure communication with the four other members of the Tycoon's Cabinet who have been in attendance on the Tycoon at Osaca since his departure from Yeddo six months ago.

I now propose to report very briefly to your Lordship the steps we have taken up to this date in furtherance of the above determination, as I do not wish to neglect an opportunity which is afforded me by the despatch of a French frigate to Saigon, as it is possible that this vessel may arrive there in time to intercept the French mail that precedes by a few days the usual English packet. In four days, however, from this date I shall be able to send to Shanghai, to meet the latter conveyance, full accounts of our proceedings.

Our squadron, consisting of five English vessels, three French, and one Dutch, left Yokohama on the 1st instant and arrived off Hiogo on the 4th. The United States' Chargé d'Affaires being without a national vessel at his disposal, accompanies his colleagues in one of Her Majesty's ships. We have encountered no difficulty in opening communications with the Gorogio at Osaca. They had heard of our intended visit, and were quite prepared to admit our right of access to them. Some delay has been occasioned by the absence at Kioto, at the time of our arrival, of the Tycoon and two of their number, and the distance of this anchorage from Osaca, and several days of unfavourable weather, have unavoidably interfered with the transaction of business. During the ten days that have elapsed since our arrival, our officers have visited Osaca on three occasions to make arrangements for conferences between the foreign Representatives and the Japanese Ministers, and two important interviews have taken place at this anchorage, the latter preferring to visit the Representatives on board their vessels to receiving them on shore either at Hiogo or Osaca.

During these visits, the last of which occurred only this morning, the proposals of the four Powers to accept the sanction of the Treaties by the Mikado, the immediate opening of Hiogo and Osaca, and the revision of the tariff, as equivalents for the remission of two-thirds of the indemnity, have been clearly placed before the Ministers of the Tycoon. The earnestness with which they have received our representations have satisfied my colleagues and myself that we have chosen a favourable moment for pressing these subjects upon the attention of the Tycoon, though it would be altogether premature for me to attempt to foretell the result of our negotiations.

We can perceive that the internal affairs of the country are seriously disturbed, and that we have arrived at a critical period in the history of the Tycoon's administration. He is about to enter on a struggle with a powerful Daimio, Choshu, on the successful issue of which the maintenance of his supremacy may depend, and while embarrassed with these hostilities he has to contend at the same time with a strong opposition to his foreign policy at the Mikado's Court, which may at any time take an active form and add materially to his difficulties. The appearance at this moment in Osaca Bay of the foreign Representatives, attended by a considerable naval force, is a proof of the determination of the foreign Governments to insist upon the performance of their Treaties, as he can point to it in justification of his wish to observe those Treaties, and can demonstrate to the hostile party the risk they incur by attempting the repudiation of these engagements. At the same time, we find that although his Ministers pledged their word to the foreign

Representatives after the affair at Shimonasaki to obtain the Mikado's formal approval of the Treaties, no material advance has yet been made towards this most desirable result. The omission indicates either that the good faith of the Tycoon is at fault, or that his influence at the Court of the Mikado is unequal to that exercised by an opposite faction which seek to subvert his rule, and have hitherto found his foreign policy, which they allege to be unconstitutional, a convenient pretext for attack.

It is not improbable that he has hitherto avoided pressing an unpalatable subject on the notice of the Mikado, but is no longer indisposed to make a strenuous effort, now that the appearance of the foreign Representatives in this Bay with a fleet renders further concealment of their demands impossible. The Ministers that we have met have promised to do all in their power to obtain the Mikado's sanction to the Treaties, and the Tycoon after coming down to Osaka to consider the question in a full Council of his Ministers leaves again to-morrow for Kioto, as we are informed, in order to urge upon the Mikado the necessity of no longer withholding this approval. The other points of the question, namely, the opening of Hiogo and revision of the Tariff, are evidently considered by the Tycoon's Ministers to be altogether subordinate to that of the confirmation of the Treaties, and unless this can be obtained, I fear that there is but a faint prospect of the Tycoon being willing to undertake the opening of this port either at the present date, or even on the expiration of the time named in the London Agreement.

The Japanese Ministers now assure us that the general question of foreign relations, which the Mikado to this date professes to ignore, will now be most seriously debated between the latter and the Tycoon, and in the course of ten days the result will be known. The importance of the question at stake can scarcely be over-estimated; for until the Tycoon is relieved from the present anomalous position in which he stands to his Suzerain in respect to foreign relations, or until our Treaties have received the highest sanction that the State can give to them, it is evident that our rights may be assailed by any party that chooses to oppose itself to foreign intercourse, and that the authority of the Tycoon may become unequal to the performance of its engagements.

Your Lordship will be pleased to hear that we have met with a friendly reception from the people of Hiogo, and that the only restraints on our intercourse with them are those imposed by the jealousy of officers of Government. At Osaka also our presence does not appear to have occasioned alarm or to have awakened any expression of ill-feeling; but as that city is at present crowded with troops, forming the proposed expedition against Choshu, we have hitherto refrained from visiting it, except for the purposes of business.

No. 73.

Earl Cowley to the Earl of Clarendon.—(Received January 6.)

My Lord,

Paris, January 4, 1866.

I YESTERDAY communicated to M. Drouyn de Lhuys your Lordship's despatch of the 1st instant, containing the views of Her Majesty's Government with reference to the mode in which the Japanese indemnity should be divided among the four Powers which took part in the expedition against Shimonasaki.

M. Drouyn de Lhuys, in paying a just tribute to the liberality displayed by Her Majesty's Government, said that he had of course no objections to offer to these proposals, and that he would communicate in this sense both with Holland and the United States.

I have, &c.
(Signed) COWLEY.

No. 74.

Sir H. Parkes to Earl Russell.—(Received January 13, 1866.)

(Extract.)

"Princess Royal," off Hiogo, November 17, 1865.

I TOOK advantage of the departure of a French frigate for Saigon on the 15th instant, and the probable opportunity thus offered of communicating by the French packet, to report to your Lordship, in my despatch of the 14th instant, my arrival at this anchorage, in company with the Representatives of France, the United States, and

Holland, and I have now the honour to report at greater length the particulars of our proceedings up to this date.

My despatch of the 30th ultimo will have informed your Lordship that I had taken this step in concert with my colleagues above-mentioned, for the purpose of laying before the Ministers of the Tycoon the proposal of Her Majesty's Government to remit two-thirds of the indemnity due under the Convention of October 22, 1864, on the conditions that Hiogo and Osaka should be immediately opened, the sanction of the Mikado given to the Treaties, and the tariff revised on a basis of 5 per cent.

Consequent on the understanding arrived at between your Lordship and M. Drouyn de Lhuys, these proposals had been reserved for the consideration of the Representatives of the four Powers who signed the Convention. The Government of the Netherlands had already concurred in your Lordship's views; and on communicating with my colleagues of France and the United States, I found that they willingly approved of them as being preferable to the indemnity, and better calculated to improve foreign relations with Japan.

On considering the manner in which these proposals should be laid before the Government of the Tycoon, we were unanimously of opinion that, in order to secure due attention to the subject, we should place ourselves in communication with the four members of the Gorogio assembled at Osaka, instead of with the single Minister who, since June last, has represented the Tycoon's Council in Yeddo. We were aware that, if we confided the question to his hands, he would only refer it to his colleagues and the Tycoon; and we were of opinion that this reference could be made more effectually by ourselves, provided we could proceed to the Bay of Osaka, and be accompanied by an imposing naval force. We were also of opinion that this step should be taken without delay, as we had been informed that the Tycoon might have to leave Osaka at any time after the 15th instant, in order to direct operations against Choshu, in the event of that Daimio refusing compliance with an ultimatum, which would expire on that date; and in the event of the Mikado's sanction being obtained to the Treaties, an opportunity would be afforded to the contending parties to effect a peaceable adjustment of their differences, which have arisen out of the disputes relating to foreign intercourse.

The grounds on which my colleagues concurred in supporting the views of Her Majesty's Government, and the considerations which prompted us to undertake the negotiation at Osaka, are fully stated in the Memorandum which I forwarded to your Lordship in my despatch of the 30th ultimo. On communicating the instructions of Her Majesty's Government, and the resolutions we had taken, to Admiral King, he at once offered me the support of his fleet then lying at Yokohama; and the French and Dutch Commanders being equally ready to assist their Representatives, a combined squadron was formed of five English, three French, and one Dutch vessel. In the absence of an American ship of war the United States' Chargé d'Affaires made an application for accommodation in one of Her Majesty's vessels, to which Admiral King willingly responded. Such a decided proof of unity of views and of action on the part of the principal Treaty Powers could not fail to exercise a salutary effect on the Japanese Government, which would probably not be the less felt because the combination had been undertaken, on this occasion, for the attainment of a peaceful object.

I have now to report our proceedings up to this date. On the 1st instant the combined squadron left Yokohama, and reached this anchorage on the 4th, which is distant about twelve miles from the mouth of the small river that leads to Osaka. The next morning the several Representatives dispatched officers in an English gun-boat and French steam tender to deliver letters announcing our arrival to the Ministers of the Tycoon, and to arrange a Conference between them and the Representatives. I inclose copy of my communication, and should add that I deputed Mr. Macdonald and Mr. Siebold on this service, and that the former also acted for the United States' Chargé d'Affaires. They found that the river could only be entered by ships' boats, and on landing at a fort at its entrance they were courteously received by Japanese local officials, and afterwards by Ongasawara Iké no Kami, one of the Ministers of the Gorogio, who came from the city to meet them on hearing of their arrival. He at once assured our officers that the Gorogio were quite disposed to receive the foreign Representatives; but that those most familiar with foreign affairs were then absent with the Tycoon, who had left the previous day for Kioto, distant about thirty-five miles. These, or one of them, Abé Bungo no Kami, would return, he said, to meet the Representatives, and he engaged that an interview should be held on board the ships at Hiogo, on the 9th instant.

When that day arrived, however, we were visited by the two Governors of Osaka, who came to explain the inability of Abé Bungo no Kami to fulfil his engagement in consequence of being detained at Kioto to assist the Tycoon at an audience with the

Mikado. They apologised with much earnestness for this unexpected delay, and again named the 12th as the day for the meeting. I accepted their apologies, with the observation that I trusted the attention which I understood from them was being given to our affairs at Kioto would eventually facilitate a satisfactory settlement, but I pressed for an earlier interview than the 12th, and this they promised to make known at Kioto.

Eventually Abé Bungo no Kami came down from Osaka on the morning of the 11th, and it was arranged that he should first be received by myself and the Representatives of the United States and Holland on board Admiral King's flag-ship, and afterwards by the French Minister on board his frigate. The discussion which ensued at our interview (as I am informed by my French colleague) did not differ in any substantial respect from that which passed with M. Roches.

The proposals of Her Majesty's Government were clearly stated to the Minister of the Tycoon, and urgently pressed on his consideration. It was with some disappointment that we heard from him that the Tycoon had made but little advance, during the last twelve months, towards the fulfilment of the promise made by his Ministers to the foreign Representatives in October 1864, to obtain the sanction of the Mikado to the Treaties, and also that, in the opinion of the Tycoon, the opposition to foreign intercourse was still too strong to allow of his giving fresh opportunities for its extension by opening Hiogo and Osaka. He admitted, however, that progress had been made in the conciliation of adverse opinions, that the hostile Daimios had abandoned their advocacy of active opposition, and that if the Mikado's approval of these Treaties were once obtained, all obstructions to foreign intercourse would disappear. On my part, while regretting that the Tycoon's endeavours should have hitherto failed to secure this desirable result, I urged on his attention that whether this sanction were given or withheld, the Treaty Powers would insist upon the scrupulous fulfilment of the Treaties; and also that as the Tycoon's Government had omitted to carry out the London Agreement of 1862, in not removing illegal restrictions on our trade, Her Majesty's Government had the right to withdraw the concessions then made, which were conditional on the removal of those restrictions, and were granted in order to lessen the Tycoon's difficulty in controlling hostility which was now known to be disappearing. If, therefore, they saw fit to do so, Her Majesty's Government could at any time insist upon the opening of Hiogo and all the other places named in that Convention, wholly irrespective of the offer they now made to accept that port and Osaka as part compensation for the remission of two-thirds of the indemnity. I also pressed upon his notice that the Powers would form their judgment of the Tycoon's real position in the Government of Japan, and of his disposition towards foreigners, by his acts, rather than by the professions of his Ministers, and that he must prove himself equal to the discharge of all the obligations of the Treaties if he wished to be regarded as the Ruler of Japan.

Abé Bungo no Kami seemed to be impressed with these arguments, and requested an adjournment of the conference to enable him to consider them. Instead, however, of meeting us again on the following day, as had been at first arranged, he sent to say that the gravity of the questions that had been discussed rendered it necessary for him to represent all that had passed to the Tycoon and his colleagues, and that after attending the Council which would be held for this purpose, he would again meet the Representatives on the 14th instant.

On that day Tachibano Idzumi no Kami, a Vice-Minister and member of the Second Council, and Tazawa Tsushima no Kami, Principal Ometské of the Tycoon, came down from Osaka, being sent, as they stated, in place of Abé Bungo no Kami, who was reported to be ill. The Council had been held. The Tycoon was convinced, they said, that the sanction of the Mikado to the Treaties had become indispensable. As the negotiations he had to undertake for this purpose required time, Tachibano pressed the Foreign Representatives to extend their stay to fifteen days from the date of the interview (the 14th).

I distinctly pointed out to the Tycoon's Envoy that whatever differences might have arisen between the Tycoon and the Mikado, these did not affect the force or validity of the Treaties, and that the foreign Powers would hold the Government of Japan, in whomsoever it might be vested, responsible for the scrupulous fulfilment of every engagement contained in those Treaties. I could not lead them to expect, however, that we could wait an indefinite period in Osaka Bay for the attainment of a result which concerned the Tycoon more than ourselves, and that ten days would probably be the extent of the detention we could agree to. In that time we expected to be able to form an opinion as to the degree of authority remaining in the Tycoon's hands, and also as to his disposition to exert this authority in the execution of the Treaties contracted in the name of the Japanese Government and Empire.

Inclosure in No. 74.

*Sir H. Parkes to the Japanese Ministers at Osaka.**On board Her Majesty's ship "Princess Royal," Osaka Bay,
November 4, 1856.*

THE Undersigned has the honour to announce to their Excellencies his arrival in the Bay of Osaka, for the purpose of determining with their Excellencies, in concert with his colleagues, the Representatives of France, the United States of America and Holland, certain questions of grave importance arising out of the Convention of October 22, 1864.

The absence of their Excellencies from the usual seat of government at Yeddo, and the obligations under which the Undersigned is placed of giving immediate effect to the instructions he has received from his Government has rendered this visit to Osaka necessary. He is able, however, to assure their Excellencies that it is undertaken in the most friendly spirit, and in entire conformity with the above-mentioned Convention, which, their Excellencies are aware, has for its chief object the establishment of better relations with Japan. Looking, however, to the long delay that has occurred since the conclusion of that Convention, their Excellencies will feel the justice of the Undersigned and his colleagues in demanding a prompt and satisfactory settlement of the questions referred to. It will give the Undersigned the most sincere satisfaction to learn that the adjustment of these questions may be greatly facilitated by their Excellencies being provided with the formal approval of the Treaties by His Majesty the Mikado, which their Excellencies in October last admitted to be essential to the maintenance of a good understanding between European nations and Japan, and which they then promised to obtain.

The Undersigned sends this letter by Messrs. Macdonald and Siebold, officers of Her Majesty's Legation, who are instructed to consult with their Excellencies as to the manner in which the necessary conferences should be entered upon.

The Undersigned also takes this opportunity of informing their Excellencies that he is accompanied by Admiral King, C.B., the Commander-in-chief of all the naval forces of Her Britannic Majesty in China and Japan, and that this letter is dated from his Excellency's flag-ship.

With respect and consideration.

(Signed) HARRY S. PARKES.

No. 75.

Earl Cowley to the Earl of Clarendon.—(Received January 14.)

My Lord,

Paris, January 13, 1866.

WITH reference to your Lordship's despatch of the 5th instant, requesting an answer from the French Government to your Lordship's despatch to the late Mr. Grey of the 12th ultimo, relative to the mode of payment of the first instalment of the Japanese indemnity, I have now the honour to inclose copy of a note which I have received from M. Drouyn de Lhuys, dated the 12th instant, informing me that the Imperial Government are quite willing to adopt the course proposed by Her Majesty's Government, provided no obstacles to it should present themselves at Yokohama, and that the French Ambassador in London has already been directed to inform your Lordship of this decision.

M. Drouyn de Lhuys requested me further to inform your Lordship that the Imperial Government made no objection to the equal division of the Japanese indemnity between the four Powers as soon as they were aware that Her Majesty's Government preferred this mode of partition.

I have, &c.
(Signed) COWLEY.

Inclosure in No. 75.

M. Drouyn de Lhuys to Earl Cowley.

M. le Comte,

Paris, le 12 Janvier, 1866.

VOUS m'avez exprimé le désir de connaître la réponse du Gouvernement de l'Empereur à la proposition contenue dans la note de M. Ellis du 19 Décembre relative-

ment à la remise en Europe des 500,000 dollars déjà payés pour le premier terme de l'indemnité Japonaise. J'ai l'honneur de faire savoir à votre Excellence que nous sommes tout disposés à adopter la combinaison suggérée par le Cabinet de Londres, si, comme il y a lieu de le penser, elle ne présente pas à Yokohama même d'inconvénients, et que M. le Prince de la Tour d'Auvergne a été déjà chargé d'en informer Lord Clarendon. Je viens aussi d'inviter l'Ambassadeur de Sa Majesté à annoncer au Principal Secrétaire d'Etat que nous ne faisons pas difficulté de nous rallier à l'idée d'un partage égal de l'indemnité Japonaise entre les quatre Puissances, dès que le Cabinet de la Reine inclinait de préférence pour ce mode de répartition.

Agrééz, &c.

(Signé) DROUYN DE LHUYS.

No. 76.

Earl Cowley to the Earl of Clarendon.—(Received January 23.)

My Lord,

Paris, January 22, 1866.

IN compliance with the instructions contained in your Lordship's despatch to the late Mr. Grey, dated the 12th December last, Mr. Ellis addressed a letter to Mr. Bigelow stating the manner in which Her Majesty's Government propose that the first instalment of the Japanese indemnity should be remitted to Europe.

I have now the honour to inclose a copy of a letter which I have received from Mr. Bigelow, inclosing a *note verbale* which he has given to M. Drouyn de Lhuys on this subject, and in which he states that he is ready to accept the proposal of Her Majesty's Government that the indemnity, already paid or still to be paid, should be equally divided between the four Treaty Powers, provided the other Treaty Powers consider it acceptable. Under the same condition Mr. Bigelow would also accept the proposal as to the manner in which the first instalment of the indemnity should be remitted to Europe.

I have, &c.

(Signed) COWLEY.

Inclosure 1 in No. 76.

Mr. Bigelow to Earl Cowley.

My Lord,

Paris, January 20, 1866.

I HAVE had the honour to receive a communication from Mr. Ellis bearing date the 19th December, 1865, in reference to the transmission of the Japanese indemnity from Yokohama to London. In reply to the inquiry therein addressed to me, and in reply to a verbal communication received a few days since from his Excellency M. Drouyn de Lhuys, I beg to transmit to your Excellency a copy of a verbal note which I have had the honour to address to M. Drouyn de Lhuys.

I have, &c.

(Signed) JOHN BIGELOW.

Inclosure 2 in No. 76.

Verbal Note.

THE Minister of the United States at Paris has been advised of a despatch recently addressed by Sir Harry Parkes to the British Government, dated Shanghai, December 8, 1865, which states that the Mikado had approved of the Treaties entered into between the Government of Japan and the Governments of England, France, Holland, and the United States; that the tariffs had been modified; that the opening of Hiogo had been guaranteed anew; and that the stipulated indemnity was to be punctually paid.

The Minister of the United States is also advised that the British Cabinet had proposed that the covenanted indemnity, as well what had already been paid as what should hereafter be paid, should be equally divided between the four Treaty Powers.

Assuming that the telegraphic advices from Sir H. Parkes shall be sustained by official despatches, and that the Senate of the United States will ratify the Convention Yokohama of October 22, 1864, the Minister of the United States does not hesitate

embrace the liberal proposal of the British Cabinet, if found acceptable to the other Treaty Powers.

The British Cabinet also proposes to deposit the first instalment of 500,000 dollars in its military chest at Yokohama, and an equivalent in sterling to the credit of the Treaty Powers in the Treasury in London. This proposal also the Minister of the United States is ready to embrace, subject always to the conditions attached to his acceptance of the preceding proposition.

No. 77.

Sir H. Parkes to Earl Russell.—(Received January 29, 1866.)

My Lord,

"Princess Royal," off Hiogo, November 25, 1865.

I HAVE the honour to inclose copy of a notification which is issued this day by myself and colleagues of the four allied Powers to the subjects and citizens of our respective Governments, in order to inform them of the result of the negotiations we have been engaged in at this place.

I beg your Lordship to observe that the sanction to the Treaties and the revision of the tariff, these being two of the three conditions for which Her Majesty's Government were willing to relinquish two-thirds of the indemnity due under the Convention of October 22, 1864, have been obtained.

The immediate opening of Hiogo and Osaka, which formed the remaining condition, continues however to be deferred, as the Tycoon's Ministers assured us that though willing, as soon as circumstances should permit, to anticipate the period stipulated in the London Agreement of 1862, they could not in the present condition of affairs undertake the responsibilities attending the admission of foreigners to these places, nor could they give any positive promise of early improvement in this respect.

In conjunction therefore with my colleagues, I considered it necessary to insist upon the payment of the indemnity, and the decided preference they evinced for this alternative, which it was optional to them to adopt, satisfied us of their intention to meet this obligation with punctuality in future. They affirm that the second instalment, which becomes due on the 18th instant, counting three Japanese months from the date of the first payment, is now waiting delivery at Yeddo, and they have given directions for the payment of the other instalments in the terms of the Convention.

I shall have the honour to continue in another despatch my report to your Lordship of the particulars of these proceedings. I should here state that my colleagues altogether approve the result, and I trust that this opinion may be confirmed by your Lordship. A higher satisfaction would doubtless have been generally felt if we could have obtained the immediate opening of Hiogo and Osaka in the place of the payment of the indemnity, as this would have furnished a welcome proof of the advance of friendly and liberal opinions in the Japanese councils, and of ability on the part of the Tycoon's Government to give effect to the Treaties. I trust, however, that the approval of the Treaty by the Mikado will prove the most important of the desired concessions, as we may expect that it will terminate those unfortunate dissensions between the Mikado, Tycoon, and Daimios on the subject of the foreign policy of the country, which have hitherto interfered so seriously with the fulfilment of the Treaties, and to which so much of the danger to which foreigners in Japan have hitherto been exposed, may be attributed.

I have, &c.

(Signed) HARRY S. PARKES.

Inclosure in No. 77.

Notification.

"Princess Royal," Osaka Bay, November 25, 1865.

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the satisfaction of making known, for the information of all subjects of Her Majesty, that the negotiations in which he has lately been engaged at Osaka, in concert with his colleagues the Representatives of France, the United States of America and Holland, have been attended with the following results:—

1. The Mikado has given his formal sanction to the Treaties concluded by the Tycoon with foreign Powers.

2. Negotiations for the revision of the Tariff on a basis agreed upon will at once be proceeded with at Yeddo.

3. The opening of the port of Hiogo and the city of Osaka is guaranteed at the time mentioned in the London Convention of 1862, or at an earlier date if circumstances should permit.

(Signed) HARRY S. PARKES.

No. 78.

Sir H. Parkes to Earl Russell.—(Received January 29, 1866.)

My Lord,

"Princess Royal," off Hiogo, November 25, 1865.

I HAVE the honour to inclose copy of a letter I have this day addressed to Admiral King, to inform him of the conclusion of the negotiations undertaken at this place by myself and colleagues of the four allied Powers, and in which I have endeavoured to express my high appreciation of the efficient support I have received from him on this occasion, and the extent to which the services of his squadron have contributed to the satisfactory result of the expedition.

I feel assured that the peaceful character of these services will not diminish their importance in your Lordship's estimation. No other object, as my previous despatches will have shown, had ever been contemplated by myself and colleagues, and the force that accompanied us consisted simply of the vessels that happened to be lying at Yokohama at the time that we applied to our respective naval Commanders for assistance. We felt, however, the importance of giving all the effect in our power to a negotiation which had to be conducted on a new scene, and in the presence of influences which were known to be unfriendly to foreign interests. The appearance off Osaka of an imposing naval force, though not employed for coercion, or to support a menace, would at least serve to remind the faction that has hitherto placed itself in opposition to the Treaties, that the Powers with whom those engagements have been concluded, possess the means of insisting upon the fulfilment of them when they see fit to do so; and speaking after the event, I can assert with confidence that had it not been for the presence of the allied fleet on this occasion, the Tycoon would not have been persuaded to make to the Mikado those energetic remonstrances and representations without which union between these rulers on the subject of the Treaties, and the foreign policy they render necessary, would not have been effected.

I have also felt it due to Admiral King to notice in my letter the excellent impression which I am satisfied, from my own observation, has been created by the conduct of the officers and men of the squadron, on the feelings of the people of Hiogo, as the opinions formed of us by the latter on the present occasion may have an important effect upon our future intercourse.

During the three weeks that the fleet has lain at this anchorage constant communication has been kept up with the shore, and parties of officers, in the course of daily walks or excursions, have traversed the country in many directions. They have been invariably treated with marked goodwill by the private orders of the people, who in return have been freely permitted to visit our vessels. Our endeavours to promote this interchange of civilities received at first a check from the authorities at Osaka, who issued a notice forbidding the people to go on board the ships; but on becoming informed of this circumstance, I insisted upon the interdict being withdrawn as publicly as it had been imposed, and during the last days of our visit numerous Japanese, often accompanied by their families, satisfied by personal inspection the universal curiosity and admiration which the size and equipment of the flag-ship occasioned.

The Government, however, judged it necessary to keep us, when we landed, constantly attended by guards, who being sent for the purpose from Yeddo, were familiar with these inconvenient duties. The precaution appeared to be altogether unnecessary as far as the people generally were concerned, but the Tycoon's Government make locality no exception in the apprehension which they profess of outrages on the part of fanatical individuals or hired assassins, and we may conclude that violence will always form a feature in the conduct of a population that comprises an extensive class of armed men who are subject to a limited restraint.

Supplies of a good quality were furnished by the authorities to the fleet at moderate terms, though some difficulty was at first experienced in meeting the unusual demand which our presence occasioned.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure in No. 78.

Sir H. Parkes to Vice-Admiral King.

(Extract.)

"Princess Royal," Hiogo, November 25, 1865.

I HAVE the honour to inform you that the negotiations in which I have been engaged here, in concert with my colleagues of France, the United States of America, and the Netherlands, have been terminated by the receipt this morning of a despatch from the Ministers of the Tycoon, copy of which I inclose, conveying distinct replies to each of the three proposals which I had been instructed by Her Majesty's Government to make to this Government.

Your own observation of the progress of this difficult negotiation, and your personal share in the anxiety with which it was attended, will have informed you of its course up to the 21st instant, when I and my colleagues found it necessary to address the Tycoon himself the *note identique* which is already in your possession. The despatch now inclosed shows that two of the three points, namely, the sanction of the Treaties by the Mikado and the revision of the Tariff, have been agreed to, while the opening of Hiogo and Osaca continues to be withheld. The Japanese Ministers have not hesitated to state, with great frankness, in their verbal discussions, that they believe themselves to be unable to protect foreigners from outrage at the hands of that armed and dangerous class who may be prompted to commit aggression, either by their own fanatical feelings, or at the instigation of that faction who are opposed to the Tycoon. The latter, therefore, prefers to the responsibility of the protection of a foreign community in the vicinity of Kioto, where the said opposition is chiefly felt, the alternative which is open to him of the payment of the indemnity; and orders have accordingly been given for the discharge of the third instalment in February next, while the second is stated to be now waiting delivery at Yeddo.

Under these circumstances, I and my colleagues are of opinion that we have good reason to be satisfied with the result of the negotiation. Much as we may have desired the immediate opening of Hiogo and Osaca, we cannot but be sensible that in obtaining the sanction of the Mikado to the Treaties, we have secured a most important measure, upon which the stability of foreign relations and the cessation of internal distractions may be said to depend.

My colleagues and myself are fully sensible that we are indebted, for whatever success has attended our efforts, to the efficient and generous aid of our naval commanders; and it would be superfluous for me to point to the extent to which that success is attributable to your exertions. It is my duty, nevertheless, to endeavour to mark my appreciation of those services, and to return you my cordial thanks for your earnest co-operation. And it will, doubtless, have afforded you considerable satisfaction to observe, throughout our stay in this new port, the people of which had previously held no intercourse with the foreigners to whom they were reputed to be opposed, that a very favourable impression has been created in their minds by the unexceptionable conduct of your officers and men.

In conclusion, I beg to inclose copy of a notification, in which I have made known to Her Majesty's subjects in Japan the result of this negotiation.

No. 79.

Sir H. Parkes to Earl Russell.—(Received January 29, 1866.)

(Extract.)

"Perseus," November 28, 1865.

IN my despatch of the 17th instant I reported to your Lordship the progress made up to that date in the joint negotiations of the Representatives of the four allied Powers relative to the compensations which our Governments desired to accept from that of the Tycoon in return for two-thirds of the indemnity due under the Convention of the 22nd October, 1864. I then stated, that the result of these negotiations was still uncertain, and dependent upon the success of the efforts of the Tycoon to obtain the sanction of the Mikado to the Treaties.

On the night of the 19th a report reached Hiogo, that affairs had taken an unfavourable turn at Kioto, and that two of the Tycoon's Ministers and principal supporters of his foreign policy, Abé Bungo no Kami and Matsmai Idsu no Kami, had been dismissed by the Mikado. In order to satisfy ourselves of the accuracy of this report, I sent Mr. von Siebold the next morning to Osaca, in company with M. Cachon, deputed by M. Roches for the same purpose. Objections had been raised to our officers penetrating into the city on

the three previous occasions on which they had proceeded towards Osaka; and the fort at the entrance of the river, or a house selected on the outskirts of the town, formed the place of meeting. These objections were most strongly urged in the present instance, on account of the excitement which the Japanese officers declared prevailed throughout the town. These statements received some confirmation from certain occurrences that met Mr. von Siebold's notice. He observed a considerable movement of armed boats on the river, and that the guards detached for the foreign visitors greatly exceeded the number appointed on previous occasions, and were not at their ease or disposed to be communicative. They learned, however, that the report as to the dismissal of the two Ministers was correct; and that the Tycoon had left Osaka for Fu-shi-mi with a considerable body of troops.

The excitement seemed to interfere with the arrival of Yamakuchi Suruga no Kami who had been announced as the officer who would receive the messages with which Messrs. von Siebold and Cachon had been entrusted; and it was not until they had been compelled by a tedious delay of six hours to set out on their return, that a messenger overtook and informed them that Yamakuchi would follow them to Hiogo and wait himself upon the Representatives.

The next morning, the 21st instant, Yamakuchi and two other Japanese officials met myself, M. Polsbroek, and Mr. Portman, on board the flag-ship. He was sent, he said, by the Gorogio to inform the foreign Representatives that Abé Bungo no Kami and Matsmaï Idsu no Kami had left the Tycoon's Ministry by order of the Mikado, and had also been deprived of their rank as Kami.

Under these circumstances, and in view of the dismissal of the Tycoon's Ministers, my colleagues and myself considered it advisable to address direct to the Tycoon a *note identique*, again urging the necessity of attention to our proposals, and of union, based on the observance of Treaties, being preserved between him and the Mikado in respect to foreign relations. These notes, which were despatched on the morning of the 22nd instant, were delivered to the Tycoon at Kioto early on the following day.

This letter also reminded the Tycoon that the 24th instant would form the last of the ten days we had agreed to wait at Hiogo for the reply of his Ministers to our proposals.

On the afternoon of that day, a steamer arrived from Osaka bringing down Matsdaira Hoki no Kami, Yamakuchi Suruga no Kami, with other subordinate officers, and interviews were at once held with the Representatives. Hoki no Kami announced to us that the consent of the Mikado had been given to the Treaties.

I have constantly kept before the Japanese Ministers the fact that under the London Agreement Her Majesty's Government could at any time demand access to Hiogo, and the other places now temporarily closed, on the ground of the non-fulfilment of the conditions upon which the opening had been postponed. I have also been most particular in assuring them that no additional delay in the execution of the Treaty in this respect will be consented to, and, as under any circumstances, therefore, the opening of these places must occur within two years from this date, I urged on their consideration the saving they would effect, of no less than 2,000,000 dollars, if they chose to anticipate the time named in the London Agreement by two years, or even, as I was willing to say, eighteen months.

The indemnity, Hoki no Kami said, they were quite prepared to pay. It would severely tax their resources, but they decidedly preferred to meet this obligation, rather than consent at once to the opening of Hiogo and Osaka. He assured us that the Treasury had already issued the second instalment, which became due according to their calculation in the 9th Japanese month (which expired on the 18th ultimo), and that the Representatives would find this sum waiting delivery at Yeddo. Punctuality in the discharge of the remaining four instalments would not be neglected.

Proceeding to the consideration of the revision of the Tariff, Hoki no Kami expressed the assent of the Tycoon's Government to this proposal, on the general basis of 5 per cent., and informed the Representatives that Midsuno Idsumi no Kami, member of the Gorogio, had been instructed to enter on the negotiation of this question at Yeddo.

In the course of the interview, the Mikado's decree approving the Treaties was produced by Hoki no Kami. The terms in which this should be communicated to the Representatives, and also made public throughout the country, were determined after some discussion, and on the morning of the 25th instant the despatch and decree of the Mikado, of which I have the honour to inclose translations were received by each of the Representatives.

The receipt of this despatch brought the negotiations to a close. The results attained are, the ratification or approval of the Treaties by the Mikado; an agreement to revise the

tariff, and an engagement that the indemnity due under the Convention of October 1864 shall be punctually discharged. The terms in which the Japanese Ministers declare their choice of this latter condition in place of the immediate opening of Hiogo, furnish a fresh guarantee for the eventual fulfilment of the London Agreement, either at the time originally stipulated, or earlier, should circumstances permit.

Your Lordship will be satisfied, I trust, that in respect to the opening of Hiogo and Osaka, I made every effort in my power to induce the Japanese Ministers to agree to an arrangement that would have met the views of Her Majesty's Government. But the choice between the payment of the indemnity and the opening of these places rested with the Tycoon's Government, and they never evinced the least hesitation as to the election they have made.

It is to be hoped, that the ratification of the Treaties by the Mikado will greatly facilitate the adoption of improved opinions as to foreigners and their trade. It completes the validity of our position, and thus deprives the Daimios of the principal pretext they have hitherto had for assailing the Tycoon and the foreigners he has admitted into the country. If they continue their contest with the former it must take other grounds, and the latter will no longer furnish the ostensible cause of contention. As a measure, therefore, which is calculated to remove or abate an hostility which would probably have defeated every effort to extend our trade at new ports, the Mikado's ratification of the Treaties will prove, I trust, a far more valuable concession than immediate admission to a port, the opening of which cannot, under Treaty and express agreement, be deferred for more than two years from this date. It must be borne in mind that the Tycoon in signing the Treaties without the approval of the Mikado took upon himself, as the event has proved, greater responsibilities than he could perform. My predecessors had therefore clearly seen, as is well known to your Lordship, that the union of the Mikado with the Tycoon on the foreign question was essential to the security of the relations based upon those Treaties, and that unless union were at once effected, no extension of present privileges could be obtained through the Tycoon's authority alone, and probably other and more serious embarrassments might ensue.

In reporting that this important advantage has now been secured, I am very sensible, my Lord, that it would be presumptuous in me to lay claim to any other credit than that of not neglecting an opportunity of completing, in co-operation with my colleagues, the work to which they and my predecessors had so long devoted themselves, and which had been signally advanced by the affair of Shimonasaki. That blow, however, proved insufficient in itself alone to gain the end that is now attained. It will be in the memory of your Lordship that after Choshu's batteries were destroyed, Abé Bungo no Kami was sent by the Tycoon to Kioto, at the instance of the Representatives, to move the Mikado to give his sanction to the Treaties. The opposition, however, was still too strong to allow of these representations being effectual. On this occasion, however, the presence of the Tycoon himself at Kioto, attended by his Ministers and a considerable force, furnished a more favourable opportunity for the consideration of the question. He saw also that the double dangers by which he was threatened—those arising out of his Civil struggle with Choshu, as well as prospective difficulties with foreign Powers—rendered some decisive effort to strengthen his position indispensable. And the appearance of the allied fleet in the Bay of Osaka gave him an opportunity of taking up the foreign question with a degree of energy which he otherwise would not have ventured to exert.

It remains for me to express the hope that my proceedings may meet with your Lordship's approval.

I have acted throughout in concurrence with colleagues who, with long experience of the subject, held the decided opinion that the confirmation of the Treaties by the Mikado formed by far the most valuable of the conditions we were instructed to accept in exchange for two-thirds of the indemnity. My colleagues were also as clearly persuaded that while the neighbourhood of Hiogo and Osaka continues to be the scene of military movements and political agitation, those places could not be occupied by foreign merchants without considerable risk. If, however, we have not secured the opening of these places, which, apart from the considerations above mentioned, we could not insist upon while the Japanese Government preferred so decidedly the payment of the indemnity, we have, on the other hand, relinquished no portion of that money, although two of the three conditions we were willing to receive in exchange have been secured.

I have felt, my Lord, throughout these proceedings the grave responsibility which attaches to the movement of a fleet, even when undertaken, as in this instance, for the attainment of a purely peaceful object; but I was also sensible that this responsibility should not deter me from the adoption of the measure that appeared to me best calculated to give effect to your Lordship's instructions; and it is easy to perceive that the result

now reported could not have been obtained by representations to Yeddo, through the single member of the Tycoon's Cabinet remaining there.

I cannot omit, in concluding this despatch, to bear testimony to the zealous assistance I have received during this expedition from Mr. Macdonald, First Assistant, and Messrs. Von Siebold and Satow, the Interpreters of this Legation. My communications with Osaca were conducted by them with all the care and judgment that was rendered particularly necessary by the assertions of the authorities that no officer or foreigner could safely appear in that city, and that they would not be responsible for his security. These visits involved long journeys of thirty miles on each occasion, and some personal hazard in crossing the surf of the Osaca bar. Their services were also usefully employed in connection with the business of the fleet; and I have much pleasure in recommending the efficient and cheerful manner in which their various duties were performed to the favourable notice of your Lordship.

Inclosure 1 in No. 79.

Sir H. Parkes to His Majesty the Tycoon of Japan:

Sire,

"Princess Royal," off Hiogo, November 21, 1865.

THE official declarations made by your Majesty's Ministers to the foreign Representatives have led the latter to conclude that the difficulties which obstruct the faithful fulfilment of the Treaties are occasioned by the opposition of the Mikado and certain of the Daimios.

In the hope, therefore, of removing a source of dispute which is highly prejudicial to our interests and, at the same time, most dangerous to the tranquillity of Japan, I and my colleagues, the Representatives of France, the United States of America, and the Netherlands, have taken advantage of the presence of your Majesty at Osaca to urge the necessity of an immediate settlement of these unfortunate differences. By giving their approval to the engagements contracted by your Majesty with foreign Powers, the Mikado and the Daimios have it in their power to put an end to the difficulties which are at present felt, and to avert those evils by which the future is threatened.

With the view, also, of facilitating the execution of the Convention of the 22nd October, 1864, my colleagues and myself have proposed to your Majesty to abandon two-thirds of the indemnity, due to our Governments under the said Convention, on the following conditions:—

1. The sanction of the Treaties by the Mikado.
2. The opening of Hiogo and Osaca at a date to be agreed upon.
3. The revision of the Tariff.

On the 14th instant your Majesty's Ministers applied to us to give them ten days to reply to these proposals; and, although we had already been detained here for that length of time, we agreed to this additional delay.

Seven of these ten days have since elapsed, and we now learn that the Minister sent by your Majesty to meet us at Hiogo has been dismissed from office.

In view of a proceeding which bears so unfriendly a construction, we consider it incumbent upon us to state that it is on your Majesty that the duty of settling these difficulties devolves. A happy accord between the Mikado, your Majesty, and the Daimios would ensure the maintenance of satisfactory relations between your people and foreigners, without prejudice to the interests or the independence of Japan. But disunion must bring upon your country the most grave disorders, as our Governments are firmly resolved to insist upon the faithful and complete observance by all parties, whether our enemies or our friends, of every condition of the Treaties concluded with your Majesty.

It remains, therefore, with your Majesty to take the proper steps for securing, by peaceful means, the execution of these Treaties.

Under any circumstances, it is necessary that I and my colleagues should receive from your Majesty, within the ten days which we have consented to wait, a categorical reply to the above-mentioned proposals. This reply, whether favourable or not, should be made to us in writing; and if not received by us within the time named, we shall consider that its absence denotes a formal refusal of our conditions on your Majesty's part, and we shall, in that case, be free to act as we may judge convenient.

I have, &c.
(Signed) HARRY S. PARKES.

Inclosure 2 in No. 79.

The Japanese Ministers for Foreign Affairs to Sir H. Parkes.

(Translation.)

WE have lately received from you several despatches to which we should have sent separate answers, but the great pressure of our national affairs has caused a delay, for which we must express our regret. However, we now reply to them all together, and hope that this answer will be to your satisfaction.

With regard to the Treaties, our Tycoon has made such strenuous efforts in his representations to Kioto, that the imperial consent has been given, as you will see from the inclosure.

With regard to the opening of Hiogo, we are unable to discuss that at present. However, though we intend to open it at the expiry of the time fixed by the London Convention, we will open it earlier if the state of affairs should permit of it. But as we cannot decide to do so at present, we will send orders to Yeddo to pay the third instalment of the Shimonasaki indemnity during the 12th Japanese month, as is provided for by Convention. And we will carry out the remainder of the Convention of the 22nd October, 1864, according to its stipulations.

We fully consent that the Tariff shall be amended, and will send immediate orders to Midzuno Idzumi no Kami and Sakai Hida no Kami to conduct as satisfactorily as possible the necessary discussions at Yeddo.

We beg to communicate the above.

A respectful and humble communication.

24th November, 1865.

(Signed)

MATSUDAIRA HOKI NO KAMI.
MATSUDAIRA SUWO NO KAMI.
OGASAWARA IKI NO KAMI.

Inclosure 3 in No. 79.

Mikado's Sanction of the Treaties, and Gorogio's Engagement for its Promulgation.

(Translation.)

THE Imperial consent is given to the Treaties, and you will therefore undertake the necessary arrangements in connection therewith.

To Iyemochi (Tycoon's name).

The above Decree having been just issued shall be communicated to all the Daimios and Hatamotos without exception. You will be informed of the terms of the proclamation at Yeddo.

I hereby put this on record.

24th November, 1865.

(Signed)

MATSUDAIRA HOKI NO KAMI.

No. 80.

Sir H. Parkes to Earl Russell.—(Received January 29, 1866.)

(Extract.)

Shanghai, December 8, 1865.

I HAVE the honour to inform you that, on the conclusion of the negotiations at Osaka, which I have reported in previous despatches, I took a passage in Her Majesty's ship "Perseus," which Admiral King was despatching to this port by way of the Inland Sea for the purpose of visiting Shimonasaki, and possibly Nagasaki, if circumstances would permit.

I was visited by several officers of Choshiu, who are believed to be in his confidence, and while I assured them of the complete neutrality of Her Majesty's Government in their dispute with the Tycoon, I recommended to them, as I had repeatedly done to the Gorogio, a policy of accommodation. To my inquiries for information as to the conditions demanded by the Tycoon, they replied that these consisted simply in a summons

to them to send certain of their leading Karos to Osaka to discuss matters with his Ministers, but that distrusting the treatment to which their envoys might be subjected, compliance had hitherto been declined.

On furnishing Choshu's officers with copies of the Mikado's Decree approving the Treaties, they expressed themselves satisfied with its authenticity, and admitted that it would be generally respected by the Daimios. They remarked that the Tycoon could only have obtained it with difficulty, but, as the Mikado had by this act taken the responsibility of the Treaties upon himself, the former would be relieved from considerable embarrassment.

Since my arrival here on the 5th instant, I have learned that the intelligence of the Mikado's approval of the Treaties has also been well received by the Agents of the Daimios at Nagasaki, as well as by the officers of the Tycoon, and I am happy, therefore, to think that the hopes entertained as to the good effect that this event may have in reuniting contending parties in this country will not be disappointed.

Owing to the unexpected detention of Her Majesty's ship "Argus," I have to remain here until the morning of the 13th instant, and the same cause will oblige me to return direct to Yokohama.

No. 81.

The Earl of Clarendon to Sir H. Parkes.

Sir, *Foreign Office, February 5, 1866.*

HER Majesty's Government have received with great satisfaction the interesting reports contained in your late despatches of the proceedings of the Representatives of the four Treaty Powers during their late visit to Hiogo; and they fully appreciate the importance of the results, and more especially the manner in which they have been brought about.

Her Majesty's Government would have much regretted the employment of menace, and still more of force, without direct authority from home, to induce the Japanese Government to agree to the representations of the Treaty Powers; and they are the more gratified that, without having recourse to such measures, you should have succeeded in conjunction with your colleagues in securing the important concessions which you have thus obtained.

Of your own share in these transactions I cannot speak too highly. By temper and tact, combined with firmness, you have prevailed over the resistance, in whatever cause it may have originated, which has so long been opposed to the formal confirmation by the Sovereign of Japan of the engagements entered into by the Tycoon, but hitherto ignored by the Mikado and the Daimios; and you have achieved this success, to all appearance, not only without producing any bitterness of feeling on the part of the Japanese Government, but even with their hearty concurrence.

The Queen commands me to convey to you Her Majesty's entire approval of your conduct in this negotiation.

Her Majesty's Government, you will take an opportunity of assuring your colleagues, most fully appreciate their zealous co-operation throughout these transactions. The unanimity which has prevailed between the Representatives of foreign Powers, and their combined action, cannot fail to produce a salutary impression on the Japanese Government and people, and will doubtless contribute to the development and stability of friendly relations with them.

Her Majesty's Government are peculiarly struck with the account which you give of the demeanour of the native population, and they derive the greater satisfaction from it, as affording the most convincing proof of the good behaviour of the officers and crews of the combined squadron when brought, for the first time almost, into close contact with the inhabitants of that hitherto but little known portion of the Japanese Empire.

You will state to Vice-Admiral King that I have had great satisfaction in calling the attention of the Board of Admiralty to your report of the zealous assistance which you received from him during the late negotiations, and of the good conduct of the officers and crews of Her Majesty's ships during the stay of the squadron in the Bay of Osaka.

You will also inform Mr. Macdonald, Mr. Von Siebold, and Mr. Satow, that I highly approve of the manner in which they acquitted themselves of the duties entrusted to them, and of my satisfaction at receiving your testimonial of the zeal and ability of which they have given sufficient proof.

I am, &c.
(Signed) CLARENDON.

Correspondence respecting Affairs in Japan :
1865-66.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1866.*

LONDON :

PRINTED BY HARRISON AND SONS.

CONVENTION

BETWEEN

HER MAJESTY

AND

THE SHAH OF PERSIA,

RELATIVE TO

TELEGRAPHIC COMMUNICATION BETWEEN
EUROPE AND INDIA.

Signed, in the English and Persian Languages, at Tehran, November 23, 1865.

Presented to both Houses of Parliament by Command of Her Majesty.
1866.

LONDON:

PRINTED BY HARRISON AND SONS.

2107

CONVENTION between Her Majesty and the Shah of Persia, relative to Telegraphic Communication between Europe and India.

Signed, in the English and Persian languages, at Tehran, November 23, 1865.

[*Ratifications exchanged at Tehran, May 1, 1866.*]

AS Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of all the Kingdoms of Persia, are desirous of regulating the telegraphic communication between Europe and India, and of placing this work on a sure and friendly basis, they have resolved that a Convention for that purpose shall be concluded; wherefore their Majesties have named as their Plenipotentiaries:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, his Excellency Charles Alison, Esquire, Companion of the Most Honourable Order of the Bath, Her Envoy Extraordinary and Minister Plenipotentiary at the Court of Persia;

And His Majesty the King of all the Kingdoms of Persia, his Excellency Mirza Saeed Khan, His Minister for Foreign Affairs, possessor of the Order of the Royal Portrait, adorned with diamonds, and of the blue cordon, and bearer of the pearled tassel and rod adorned with diamonds, possessor of the Order of First Serteeb with its special cordons, and bearer of the Order of St. Ann adorned with diamonds of the first class, and of the Order of the Medjidie of the first class, and of the First Order of the Iron Crown, and the First Order of Leopold, and the First Order of Dannebrog, and the First Order of St. Maurice and Lazare, and the First Order of the Saviour of Greece, and the Order of the Polar Star of Sweden, and the Second Order of the Legion of Honour;

And the aforesaid distinguished Representatives, after meeting in the capital of Tehran, and perusing and exchanging their letters of full power, and finding them in due order, have concluded the following Articles:—

ARTICLE I.

In order to improve the telegraphic communication between Europe and India, the Persian Government agrees to attach another wire to the poles now standing from Bushire to Khanikin, and to bring it into working order as soon as possible. The wire to be used solely for international messages sent in European languages.

ARTICLE II.

In order that the second wire may be attached in a complete and effective manner, the Persian Government also agrees that it shall be done under the direction and supervision of an English Engineer officer and staff. And the Persian Government will use its best endeavours to collect the necessary materials, and lay down the wire with all expedition.

ARTICLE III.

The British Government agrees to procure for the Persian Government, at a reasonable price, and with the cognizance of a Persian Commissioner, all the wire, insulators, Morse instruments, &c., that may be requisite for this work, inclusive of two hundred iron posts for the marshy tract of Bushire, and to deliver them over to the Government

Commissioners at any seaport or frontier town of Persia that may be suitable, receiving payment in five years in five instalments.

ARTICLE IV.

The Persian Government, moreover, agrees that an English telegraph officer, with the necessary staff, not exceeding fifty (50) in number, exclusive of families, shall be engaged from the opening of telegraphic communication through the new wire, for five (5) years, in organizing the Persian line of telegraph and giving instruction in telegraphy. And the British Government agrees that the English officer and his staff shall, at the expiration of the prescribed period, make over the said line to the Persian Government and cease connection with the Persian telegraph.

ARTICLE V.

The conditions under which the English officer shall exercise control over the second wire, during the prescribed period, are stated in the following rules :—

1. His Royal Highness the Itizad-es-Sultaneh, Minister of Science, or any other person who by the Shah's order may be appointed in his place, is to be considered the head and absolute chief of all the Persian Government telegraphs.

2. Any order which His Royal Highness, or such other person in his place, may issue concerning the protection of the line, its working, and the Persians employed on it, shall be given through and with the approval of the English telegraph officer.

3. For the protection of the line, the whole distance from the Turkish frontier to Bushire shall be divided from station to station into six sections, as follows :—

From the Turkish frontier to Hamadan.

From Hamadan to Tehran.

From Tehran to Kashan.

From Kashan to Ispahan.

From Ispahan to Shiraz.

From Shiraz to Bushire.

To each of these divisions the Itizad-es-Sultaneh shall appoint a Persian officer, who will be responsible to His Royal Highness for the protection of the line situated within his limits.

To enable the said Persian officer or Yaver of each division to carry out his duties efficiently, a certain number of horsemen shall be stationed under his orders along the line. The Yaver will of course accept any suggestions which the English telegraph officer may give with reference to his charge, due regard being had to the customs of Persia and her power of carrying out such suggestions.

4. The organization of offices and instruction of *employés* shall be exclusively in the charge of the English superintending officers, who will be responsible for the working of the line in these respects; and the Persian signallers shall be ordered to obey implicitly the instructions which the English officers may give in the performance of their duties.

5. In case of insubordination or misconduct on the part of the Persian signallers, His Royal Highness the Itizad-es-Sultaneh engages to use his best endeavours in lawfully supporting the authority of the English superintending officer, exercised under the last rule. On the other hand the English officer engages that the bounds of that authority shall in no way be exceeded.

6. The English officer shall have nothing whatever to do with receipts of money. A Mirza will be appointed at each station, who will be directly responsible for the accounts to the Itizad-es-Sultaneh. But the English superintending officer shall render to His Royal Highness, or any person who may be appointed by the Persian Government, such account of the telegrams dispatched under his authority as may be sufficient for full information.

These rules, however general in some sense, are understood to have special application to the second wire.

ARTICLE VI.

In filling up vacancies which may occur among the signallers employed under Article IV, the English telegraph officer shall give the preference to natives of Persia, provided they be qualified in his estimation by knowledge of the English language, and other attainments necessary for this service, to perform the duties required.

ARTICLE VII.

As the telegraph offices of these two wires ought to be distinct, the Persian Government shall build a new office adjoining the existing one wherever there are not separate rooms.

ARTICLE VIII.

If any injury befall the second wire, or delay occur through press of traffic, the first wire, which is specially used for internal communication in Persia, shall give assistance to the second wire, and *vice versâ*.

ARTICLE IX.

For every message of twenty words or less from Khanikin to Bushire, or *vice versâ*, one toman five kirans and eight shahis, in Persian money, or fourteen shillings, in English money, shall be charged, with proportionate rates for the intervening towns.

The Persian Government accepts the Tariff laid down in the last Convention between Turkey and England, so far as regards the rates of messages sent by the two Governments from Bushire to India, and from Khanikin to Constantinople or Europe.

ARTICLE X.

The yearly receipts will be credited to the Persian Treasury; but should they reach a higher sum than thirty thousand (30,000) tomans, the surplus will be made over to the officers of the English Government for the cost of their establishment.

ARTICLE XI.

All Indian messages, at whatever part of the line or from whatever place received, shall be given over to the second wire, and the accounts regularly kept.

ARTICLE XII.

Should the traffic so continuously increase as to demand more than in one day the fair day's work on the second wire, the excess of telegrams shall be handed over for dispatch to the first wire, the money received on them being separately credited to the Persian Government. The adjustment of this matter shall rest with the Itizad-es-Sultaneh and the English superintending officer. This Article is quite irrespective of the provision for mutual assistance in the event of a slight and temporary delay.

ARTICLE XIII.

The cost of all other than Indian or submarine cable messages shall be separately credited to the Persian Treasury, although conveyed by the second wire.

ARTICLE XIV.

The relative values of coin shall be calculated for purposes of account at the following rates:—

One pound sterling = twenty-five francs = twenty-two kirans.

One shilling = one franc twenty-five centimes = one kiran two shahis.

One penny = ten centimes = two shahis.

As a rule, accounts shall be kept in English, and payments made in Tehran in Persian currency.

ARTICLE XV.

The telegraph accounts shall be made up by the English superintending officer monthly and sent to Constantinople, where, by comparison with the Cable and Turkish accounts, they will be checked by the British Commissioner appointed for that purpose. On the return to Tehran of the audited accounts from Constantinople, the amount due to the Persian Government will be certified by the English officer, and speedily paid every six months, as stated in the last Article. The above account shall always be open to the inspection of the telegraph agent of the Persian Government at Constantinople, or any person recognized by the Persian Minister at the Ottoman Court, for the settlement of accounts of international traffic on the Persian-Turkish lines.

ARTICLE XVI.

The telegraphic regulations drawn up at Paris on the thirteenth of April, Anno Domini one thousand eight hundred and sixty-five, shall be carried out under the superintendence of the Persian Government, so far as not opposed to the terms of the present Convention or the institutions of Persia.

ARTICLE XVII.

Any disagreement arising between the telegraphic *employés* of the two Governments shall be referred to their Excellencies the Persian Minister for Foreign Affairs and the British Minister at Tehran, in order that, after necessary investigation, a just decision may be pronounced.

ARTICLE XVIII.

This Convention shall take effect from the opening of correspondence on the second wire, and remain in force for five (5) years from the day that a telegram is first dispatched thereby. At the expiration of the five years it shall be null and void. If at any time within the term appointed the capabilities of Persian telegraphers for their work shall be proved to the satisfaction of the chief of the Persian telegraphs and the English telegraph officer, the full period shall be curtailed, and the line made over altogether to the Persian Government.

ARTICLE XIX.

The present Convention shall be ratified, and the ratifications exchanged at Teheran within five months, or sooner if practicable.

Done at Tehran, on the twenty-third day of November, Anno Domini one thousand eight hundred and sixty-five.

C. ALISON.
(L.S.)

MEERZA SAEED KHAN.
(L.S.)

PERSIA.

CONVENTION between Her Majesty and the Shah
of Persia, relative to Telegraphic Communication
between Europe and India.

*Signed, in the English and Persian Languages, at
Tehran, November 23, 1865.*

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1866.*

529

CORRESPONDENCE

WITH

HER MAJESTY'S MINISTER AT LISBON

RESPECTING

THE OPENING

OF THE

DOURO WINE TRADE.

Presented to both Houses of Parliament by Command of Her Majesty.
1866.

LONDON:
PRINTED BY HARRISON AND SONS.
1866.

LIST OF PAPERS.

No.				Page
1.	Earl Russell to Sir A. Magenis	..	..	March 1, 1865 1
	Two Inclosures.			
2.	Sir A. Magenis to the Earl of Clarendon	..	..	November 22, — 2
	One Inclosure.			
3.	Sir A. Magenis to the Earl of Clarendon	..	..	November 27, — 8
4.	Sir A. Magenis to the Earl of Clarendon	..	..	December 11, — 8
	One Inclosure.			
5.	Sir A. Magenis to the Earl of Clarendon	..	..	January 26, 1866 9

*Correspondence with Her Majesty's Minister at
Lisbon respecting the Opening of the Douro Wine
Trade.*

No. 1.

Earl Russell to Sir A. Magenis.

(Extract.)

Foreign Office, March 1, 1865.

You will bear in mind that Her Majesty's Government are desirous to receive from you the earliest information regarding the Douro Wine Bill, which you have reported to me as being alluded to in the Speech of the King of Portugal.

I inclose for your information, and to assist you in your discussions with the Portuguese Government, on commercial questions, a statement of trade between this country and Portugal from 1845 to 1863, and also a statement showing the quantities and value of Portuguese wines imported into this country from 1860 to 1864.

Inclosure 1 in No. 1.

STATEMENT of the real Value of Imports and Exports from and to Portugal in each Year, from 1845 to 1864.

Year.	Imports.	Exports.		
		British Produce.	Foreign and Colonial Produce.	Total.
	£	£	£	£
1845	Not ascertained.	980,380	Not ascertained.	Not ascertained.
1846		969,757		
1847		889,916		
1848		1,175,748		
1849		979,597		
1850		1,029,204		
1851		1,048,356		
1852		1,104,213		
1853		1,210,411		
1854		1,370,603		
1855	2,101,126	1,350,791	148,997	1,519,600
1856	1,962,044	1,455,754	184,580	1,535,371
1857	2,164,090	1,458,321	433,470	1,889,224
1858	2,148,723	1,432,238	321,540	1,779,861
1859	1,079,775	1,306,105	237,672	1,669,910
1860	1,510,740	1,698,931	342,305	1,671,072
1861	1,888,149	1,987,450	368,655	2,041,236
1862	1,962,899	1,533,365	354,860	2,356,105
1863	2,040,396	2,225,777	432,491	1,888,225
1864	2,333,809	2,084,073	Not yet ascertained.	
	Not yet ascertained.			2,658,268

*Statistical Department, Board of Trade,
February 24, 1865.*

Inclosure 2 in No. 1.

STATEMENT of the Quantities and Value of Wine imported into the United Kingdom from Portugal, in each Year, from 1860 to 1864.

Years.	Quantities.			Value.		
	Red.	White.	Total.	Red.	White.	Total.
	Gallons.	Gallons.	Gallons.	£	£	£
1860	2,472,358	63,402	2,535,760	880,541	17,9	898,336
1861	2,587,772	93,681	2,681,453	953,167	27,52	980,692
1862	2,975,560	72,931	3,048,491	953,702	18,143	971,845
1863	3,538,716	56,171	3,594,887	1,005,913	11,233	1,017,146
1864	Not yet ascertained.		3,344,871	Not yet ascertained.		

*Statistical Department, Board of Trade,
February 24, 1865.*

No. 2.

Sir A. Magenis to the Earl of Clarendon.

(Extract.)

My Lord,

Lisbon, November 22, 1865.

I HAVE the honour to inclose herewith, in translation, the Report of the Minister of Public Works, followed by a very short law, consisting of only three Articles, presented by that Minister to the Chamber of Deputies on the 8th instant, for opening the Oporto wine trade.

I may observe, as this is the first time I have addressed your Lordship on this subject, that I have been using every endeavour these last six years to obtain a favourable solution of this question, which is one of great importance to British interests, and, as I conscientiously believe, of no less, if not greater, to Portuguese.

The Bill presented in 1860 was the result of my representations, and it passed the Chamber of Deputies, and would, I believe, have passed the Chamber of Peers had not a change of Government intervened.

I have more than once spoken to Count de Castro, since my return, on this subject, and his Excellency has answered me that the present moment was particularly favourable for its solution.

My hopes of a favourable solution of this question have been so often raised and so often disappointed, that I am unwilling to look on success at present as certain. I may, however, add, that the chances of success appear to me greater than they have ever been.

The Report of the Committee to which it was referred has been presented to the Chamber, and I believe is favourable to the proposed measure, and the discussion is to commence to-morrow.

Inclosure 1 in No. 1.

From the "Diario de Lisboa" of November 9, 1865.

Report of the Minister of Public Works.

Gentlemen,

THE restrictive legislation of the Douro has been morally abolished for many years.

Ever since 1820 there has not been a single Parliament that has not taken some steps against it, or at least has not proved the necessity of reforming it.

Only in 1838 and 1843 were some attempts made to the contrary, but the whole public press, without distinction of parties, will bear witness to the unfavourable reception they met with, even in the country of the Douro.

The difference which might be noticed between the views of one Minister and another, of one Member of Parliament and another, was whether that legislation ought to be abolished at one stroke, or whether the ground ought to be gradually prepared for the change of system.

Even so early as 1822, the Commercial Committees which were elected everywhere, and especially at Oporto, by order of the Cortes, as committees of inquiry, petitioned the Government that they should gradually pave the way, in order that between the purchaser and the seller no interference should take place.

Mr. Rodrigo da Fonseca Magalhaes, and the Cabinet of which this distinguished statesman formed part, did not publish the Decrees of the 11th of October, 1852, except on account of what was still to be done in favour of the production and trade in wines.

The object of those measures was to promote distillation, in order to equilibrate the production and consumption, which was then being promoted by means of a subsidy of 150,000,000 reis (33,333*l.*) paid annually to the Wine Company; but this equilibrium, if ever it was attained in any year, was the sad effect of the scourge of the oidium which attacked the vines, and only served to prove that a false situation is not to be done away with by means of any half measures.

The projects of law of Mr. Serpã Pimentel in the Session of 1860, and of Mr. Joao Chrysostomo in that of 1865, will dispense me from making long dissertations.

In the luminous reports which precede them mention is made of the unheard-of manner in which the Douro monopoly was established; of the rising scale of vexatious legislation; of the principles of justice and morality which were completely trampled down: and, in fine, of the impotence of all these errors to bring about the ends which their authors imagined.

I fully adopt the doctrines of these two Ministers, and if I do not do the same with respect to their prescriptions, the reason is, because it appears to me that something of a more radical nature is required in order to place, as is absolutely necessary, this trade in its greatest simplicity.

And forty-five years having already elapsed, not only in studying the question, but also in promoting the transition, I think that the moment has arrived for extirpating from our legislation an anomaly which neither the greater number of Portuguese nor any foreigner has ever yet been able to understand.

I think that the time has come for placing the production, sale, purchase, conveyance, and shipment of this industry and trade upon the same terms which are common to every other kind of industry and trade.

Information altogether incorrect was the cause of the greatest statesman of the last century having adopted a measure which can only be excused on the ground of the state of backwardness in which the science of political economy then was; a fatal measure on account of the great difficulty which was experienced in order to implant it; superfluous, because it established nothing new, and only served to clog what had already been established under the shade of liberty; and still more fatal on account of the deep root it took, as is always the case with every privilege which favours private interests.

And fatal, in fine, because our manufacturing industry, which ought to be at the present day on equal terms with that of the most advanced nations, was on several occasions sacrificed to the interests of the Douro, which did not stand in need of anything, as is the case with soils yielding such rich products.

It is well to state here that we were not the only parties responsible for the duration of that erroneous system.

England encumbered our production with exorbitant duties in such a manner, that for a long while she was the cause of its being thought necessary in good faith to restrict the exportation to a certain fixed quality, and also that it was possible to create a revenue for the State by levying export duties on wine.

At that time it was said that 10 or 15 milreis (2*l.* 4*s.* or 3*l.* 7*s.*) levied per pipe in our Custom-houses could not diminish the consumption in a country where 36*l.* per pipe are paid, the amount to which the duties had been reduced, which for many years had been 45*l.*, that is, 200 per cent on the cost of the merchandize.

I myself went along with the current of these ideas, which I maintained in a long correspondence with the British Legation.

Circumstances, however, have completely changed.

In the first place, the spirit of speculation contrived to make the wines of second quality appear in the English markets through the indirect way of the United States, which our legislation wished to prevent; and secondly, true financial principles having been embraced by France, produced the Treaty between the latter country and England which caused the duty on wine to be reduced to less than one-fourth, a measure which the British Government extended to all other nations.

After such facts, every reason or pretext for maintaining exceptional laws has ceased.

The longer we delay in acknowledging this truth, the more we shall compromise this rich production of ours.

Whereas at the present day we ought to have markets on the whole north of Europe, we have only got that of London, and even that very badly explored. Whereas we ought to be seeing our farmers living in abundance, and contentment caused thereby reigning in the midst of our rural populations, what we have seen is a constant lamentation from year to year of the unhappy inhabitants of the Douro, just the contrary of what happens in Beira and in other provinces, where the production of the soil takes place under the shade of liberty, and where it is acknowledged that to produce more and of a better quality, and to cultivate at a cheap rate, are the only secrets of this industry.

I must not omit to state that by means of Treaties with other nations, and more especially with Brazil and England, the conditions of this important trade may still be further improved, but it is for this very purpose that we ought to place ourselves under the common law of the markets.

How can we expect to find any unwillingness to treat with us in a nation like the one I last mentioned, which opens its ports unreservedly, both to purchasers and sellers; which corrects, of its own accord, any excess in its Tariff, and which continues to find, on our part, both error and obstinacy.

But, if on the contrary of what is the case at present, we present before it a vast and well-provided market, we shall be entitled to receive a different treatment from it.

If we render justice to our provinces bounded by the Douro, by restoring to them the sacred right of exporting their products through the bar of Oporto, the only one which affords them the constant means of a safe and cheap exportation; if we open that bar, as it is likewise just that we should, to every kind of production that may be able to descend the river, we shall see the "depôts" in the city of Oporto increased, thus attracting a greater competition of foreign trade, and improving that market and its navigation by those various means which are well known to all.

I admit that the change may be detrimental to one or more individuals, but I have well-grounded hopes that the general result will be highly advantageous for the country.

And, at all events, as experience has already shown, such an oscillation must be transitory.

The sacrifices made from the years 1834 to 1837, during which the freedom of this trade was enjoyed, cannot bear any comparison to those made under the shade of restrictive laws in subsequent years.

And it is my opinion that, if instead of going back in 1837 to the legislation which had been abolished, we had thought of extending that liberty as far as was necessary; if we had abolished the export duty of 12 milreis (2*l.* 13*s.*) per pipe, which still remained upon all wines exported through the bar of Oporto, without excepting those that were exported for the Brazils, the transition would have been accomplished without the slightest inconvenience.

But let us omit considerations which are within the reach of everybody. We have before us the statistics showing the amount

of exports before the monopoly, and what was exported after the Decree (Alvara) of the 10th of September, 1856.

It may be affirmed that if it were not for the general war—during the period from 1789 until 1815—which deprived England of French wines and of those of other continental nations, the monopoly would have fallen by itself in the course of a few years.

It will be sufficient for us to consider, as is stated in the luminous reports to which I have alluded, the increase of population and wealth of our chief consumer in contrast with the stationary condition of our exportations.

It will be sufficient, in fine, if we consider how we have allowed other wine-producing nations, Spain, France, and Sicily, to get possession of the Brazilian markets, for us to acknowledge the fatal results of our absurd regulations.

All nations have acknowledged how very dangerous is the interference of Governments with the management of financial affairs, which the vigilant action of private interests can alone manage in a proper manner.

Let us no longer continue to be an exception to this rule.

Gentlemen, all my predecessors who have begun to enter into this path of reform have proposed several guarantees for the Douro, in order that the transition may be rendered, if not more profitable, at least more acceptable.

But it is my opinion that the most efficient guarantee is that which will best secure the full enjoyment of free trade.

Anything that will encumber the natural state, far from being useful will be highly noxious, and may even afford some hope of a retrograde movement, comprising both the present and the future.

But it is as much the wish of the Government as of those who are most anxious for material improvements in the Douro, to favour the latter with as many improvements as possible, and they would form part of this Law were it not that they are misplaced here.

The Government conceives that by raising the market of Oporto to be, as it is entitled to become, one of the first markets in Europe, and by promoting an easy disposal of its wines, it will confer a great benefit upon the Douro.

What is wanting for the first condition is a port of shelter, for which, fortunately, surveys have already been made, and which science has pronounced practicable in the rocks at Leixoes. And for the second, a railway as far as Barea d'Alva is wanting, which has also been already surveyed, and the greater part of it approved by the Board of Public Works.

But, because these measures cannot be inserted in the Articles of this Law, the Government is not less obliged not to lose sight of them.

The Douro railway is an undertaking of the greatest importance that can be entrusted to the action of capital. Nowhere that I know of, can there be found elements for the working of a railway like those to be derived from the colossal amount of products which abound in that trade.

The Government will not contract for any lines of railway before

that of the Douro, and it has hopes that it will be easy to make this contract, by means of the guarantee of the gross proceeds, which I shall call the Italian system.

Common roads to intersect the country in every direction will be made even with much greater rapidity, as is in the nature of things, and will place the Douro in immediate contact not only with our own provinces, but also with the bordering provinces of the neighbouring kingdom, which will all exchange their productions to their mutual advantage.

The action of the Tariff may also tend to the greater consumption of wine. The Government will regulate it in such a manner that it may not suit foreigners to inundate us with their brandy made of cereals, and taking away from us, as has already been the case in some years, an amount of capital almost equal to what we derive from our exportation of wine.

Moreover, the brandy which is made from our wines is, according to trustworthy information, much better for the purpose of preparing wines.

We shall even be able to export it according to the vintages as well as the elderberry and "geropigas" (must and brandy), and everything produced on that favoured soil, aided by the improvements which enlightened industry can bestow.

Finally, a greater amount of traffic will bring to the centre of the country banking establishments, and all the other usual facilities which accompany them.

Credit cannot be decreed, but it may be hoped for as a mathematical result as soon as industry shows signs of life and movement, of strength and good sense.

To endeavour to satisfy the several tastes of consumers, to prepare wines for shipment so that they may pay in England the smallest rate of duty paid upon wines of other nations, to prepare wines for the tables of the rich, and to prepare them for the purpose of being sold by retail to the poorer classes, will be entirely the work of the skill of our farmers and merchants, and no one ought to fear that this new life will be less profitable than that of a trade limited to a single sample.

But the basis of all these improvements is liberty.

The Government, therefore, submits to the consideration of the Chamber the following

PROJECT OF LAW:

Art. 1. The exportation of all wines produced on Portuguese soil, by the bar of Oporto, is free; and this enactment shall commence to be in force at the end of three months counting from the date of the publication of this law.

Single paragraph. All wines exported by the bar of Oporto shall pay the same duties imposed upon the exportation of all the other wines from the Continental part of the Kingdom.

Art. 2. The Government is hereby authorized to decree any measures that may be necessary in order to remove any obstacles which may hinder the faithful execution of this Law.

Art. 3. The Decrees of the 11th of October, 1852, and any other legislation which may be opposed to the provisions of this Law, are hereby revoked.

*Department of Public Works, Commerce,
and Industry, November 8, 1865.*

(Signed)

COUNT DE CASTRO.

ANTONIO MARIA DE FONTES

PEREIRA DE MELLO.

No. 3.

Sir A. Magenis to the Earl of Clarendon.

(Extract.)

My Lord,

Lisbon, November 27, 1865.

WITH reference to my despatch of the 22nd instant, reporting to your Lordship that the Minister for Public Works had introduced a Bill to open the Oporto wine trade, I have now the satisfaction to add that the general terms of the Bill in question were approved of in the Chamber of Deputies, on the 25th instant, which is equivalent to the third reading of a Bill with us.

The amendment to the effect that the Bill was to come into operation as soon as it became law, and without the delay of three months, as the Bill proposed, was approved of without a division; and the motion of Senhor Oliveira Pinto to postpone its operation for two years was negatived by a division of eighty-one to six.

No. 4.

Sir A. Magenis to the Earl of Clarendon.

(Extract.)

Lisbon, December 11, 1865.

WITH reference to my despatch of the 27th instant, informing your Lordship that the Bill proposed by the Minister for Public Works for opening the wine trade from Oporto, and for removing the absurd regulations which had been established by the Marquis de Pombal, in the middle of the last century, had passed the Chamber of Deputies, I have now the honour to inform you that the Bill in question passed the Chamber of Peers on the 1st instant, without a division; and I inclose herewith, for your Lordship's further approval, in translation, copy of the Royal sanction, by which the Bill from its promulgation becomes a law of the country.

I cannot bid farewell to this long and vexed question without congratulating your Lordship on the perfect liberty of commerce in the Oporto wine trade which is thus established, to the great advantage, as I believe, of both British and Portuguese interests.

Inclosure in No. 4.

From the "Diario de Lisboa" of December 9, 1865.

Law for the Free Exportation of Wine by the Bar of Oporto.

WE, Dom Ferdinand, King Regent of the Kingdoms of Portugal and of the Algarves, &c., in the King's name we make known to all His Majesty's subjects, that the General Cortes have decreed the following Law, which we sanction :—

Article 1. The exportation of all wines produced in Portuguese territory, by the Bar of Oporto, shall be freely allowed.

Single paragraph.—All wines exported by the Bar of Oporto shall pay the same amount of duty as that imposed upon the exportation of all other wines from the continental part of the kingdom.

Art. 2. The Government shall draw up all the regulations that may be required in order to carry this Law into execution.

Art. 3. The Decrees of the 11th of October, 1852, and any other legislation which may be opposed to the provisions of this law, are hereby revoked.

We command, therefore, all the authorities whom the knowledge and execution of this law may concern to comply with the same, and to cause it to be complied with and observed, precisely as set forth therein.

The Ministers and Secretaries of State for the Department of Public Works, Commerce and Industry, and for that of Finance, shall cause the same to be printed, published, and circulated.

Given at the Palace of the "Necessidades," December 7, 1865.

(Signed)
(Countersigned)

THE KING REGENT.
COUNT DE CASTRO.
ANTONIO MARIA DE FONTES
PEREIRA DE MELLO.

No. 5.

Sir A. Magenis to the Earl of Clarendon.

(Extract.)

Lisbon, January 26, 1866.

WITH reference to your Lordship's despatch marked Commercial of the 1st instant, instructing me to forward to you, with as little delay as possible, certain details with reference to the late Law passed in this country for opening the Oporto wine trade, which the Board of Trade was anxious to be furnished with before gazetting the substance of that Law; although pretty certain myself of its provisions, I was unwilling to reply to your Lordship's despatch without having previously spoken to the Count de

Castro on the subject, and I only saw his Excellency yesterday since the receipt of your despatch, as he had been unable to receive the Diplomatic Body on the accustomed day last week.

As I suspected, I learn from Count de Castro, who combines the functions of Foreign Secretary and Minister of Public Works, and in the latter capacity had presented the Bill in question, that by its provisions the commerce in wine from the Douro was entirely free; there no longer exist either official tasters who classify the wines of that district for exportation to special countries, nor are there any lines of demarcation within which such wine must be produced; neither have "brands" nor marks been established: in short, as his Excellency said, the commerce in wine from the Douro was under the common law of all other export trades from this country.

It pays, however, a very small export duty of 375 reis (1s. 8d.) per pipe, instead of 3,100 reis (13s. 9¼d.), with which it was formerly charged.

TREATY OF NAVIGATION

BETWEEN

HER MAJESTY

AND THE

KING OF PRUSSIA.

Signed at Gastein, August 16, 1865.

Presented to both Houses of Parliament by Command of Her Majesty.
1866.

LONDON:
PRINTED BY HARRISON AND SONS.

THE UNIVERSITY OF CHICAGO

1911

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TREATY of Navigation between Her Majesty and the King of Prussia.

Signed at Gastein, August 16, 1865.

[Ratifications exchanged at Berlin, February 24, 1866.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, on the one part, and His Majesty the King of Prussia, on the other part, being equally animated by the desire to develop the stipulations relative to the reciprocal treatment of navigation now in force under the Treaties concluded between them on the 2nd of April, 1824, and the 2nd of March, 1841, upon the basis of the alterations in their Navigation Laws which have since taken place, have entered into negotiation for that purpose, and have named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Francis Baron Napier of Merchiston, a Peer of Scotland, a Baronet of Nova Scotia, a Member of Her Britannic Majesty's Privy Council, Her Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the King of Prussia, &c.;

And His Majesty the King of Prussia, M. Otto Eduard Leopold von Bismarck-Schönhausen, President of His Ministry of State, and Minister of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

British ships and their cargoes shall, in Prussia, and Prussian ships and their cargoes shall, in the United Kingdom of Great Britain and Ireland, from whatever place arriving, and whatever may be their place of destination, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

It is, however, agreed that the preceding

Ihre Majestät die Königin des Vereinigten Königreichs von Großbritannien und Irland, einer Seits, und Seine Majestät der König von Preußen, anderer Seits, von dem Wunsche geleitet, die auf die gegenseitige Behandlung der Schifffahrt bezüglichen Bestimmungen der am 2. April 1824 und 2. März 1841 zwischen Ihnen abgeschlossenen Verträge auf Grund der seitdem eingetretenen Veränderungen Ihrer Schifffahrtsgesetze weiter auszubilden, haben Verhandlungen zu diesem Zwecke eröffnen lassen und zu Ihren Bevollmächtigten ernannt, nämlich:

Ihre Majestät die Königin des Vereinigten Königreichs von Großbritannien und Irland, den sehr ehrenwerthen Francis Baron Napier von Merchiston, Pair von Schottland und Baronet von Nova Scotia, Mitglied Ihrer Britischen Majestät Geheimen Raths, Ihrer Majestät außerordentlichen und bevollmächtigten Botschafter bei Seiner Majestät dem Könige von Preußen, u.;

Und Seine Majestät der König von Preußen, den Herrn Otto Eduard Leopold von Bismarck-Schönhausen, Allerhöchst Ihren Präsidenten des Staatsministeriums und Minister der auswärtigen Angelegenheiten;

Welche, nach gegenseitiger Mittheilung ihrer in guter und gehöriger Form befundenen Vollmachten, die nachstehenden Artikel vereinbart und abgeschlossen haben:

Artikel 1.

In Preußen sollen britische Schiffe und deren Ladungen und in dem Vereinigten Königreiche von Großbritannien und Irland sollen preussische Schiffe und deren Ladungen, gleichviel woher die Schiffe kommen oder wohin sie gehen und woher die Ladungen stammen oder wohin sie bestimmt sind, in jeder Hinsicht ebenso behandelt werden, als die einheimischen Schiffe und deren Ladungen.

Man ist jedoch darüber einverstanden, daß die

stipulation shall not affect the rights connected with fishery belonging exclusively to the subjects of either country within their respective marine territorial limits, nor the local immunities enjoyed in Great Britain, not by British subjects generally, but only by certain privileged classes in certain ports.

Every favour or exemption which either of the Contracting Parties shall grant in these respects to any other Power, shall be immediately and unconditionally extended to the other party.

ARTICLE II.

The stipulations contained in the preceding Article are also to be applied to the Colonies and Foreign Possessions of Her Britannic Majesty, as well as to the ships and cargoes of the same; but as regards the coasting trade, only in those Colonies and Foreign Possessions the coasting trade of which shall have been, or shall be hereafter, opened to foreign ships in conformity with the Acts of Parliament which govern this matter.

ARTICLE III.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked upon the coasts of the other, the same aid and assistance shall be rendered to it as to a national vessel, and in such case no other expenses shall be paid by the owners or their agents and representatives for the preservation of the property than would be payable in the like case of a wreck of a national vessel. In case the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandize, in order to defray his expenses, no impediment shall be opposed by the authorities, the master being bound, however, to conform to the existing regulations and tariffs.

The goods and merchandize saved from the wreck shall be exempt from all duties of Customs unless cleared for consumption.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall, if the owner or master, or other agent of the owner, is not present, or is present and requires it, be authorized to interpose, in order to afford the necessary assistance to those concerned.

ARTICLE IV.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties residing in the dominions and possessions of the other, shall receive from the local authorities such

vorstehende Bestimmung weder auf die ausschließlichen Fischerei-Gerechtigkeiten Bezug haben soll, welche den Unterthanen jedes der beiden Länder innerhalb des Seegebietes der letzteren zustehen, noch auf die örtlichen Bevorzugungen, deren sich in Großbritannien, nicht die britischen Unterthanen im Allgemeinen, sondern gewisse privilegierte Classen in einzelnen Häfen erfreuen.

Jede Begünstigung oder Befreiung, welche einer der vertragenden Theile in diesen Beziehungen einer dritten Macht zugestehen möchte, wird gleichzeitig und ohne Bedingung dem anderen zu Theil werden.

Artikel 2.

Die in dem vorstehenden Artikel getroffenen Bestimmungen finden auch auf die Colonien und auswärtigen Besitzungen Ihrer Britischen Majestät, sowie auf deren Schiffe nebst Ladungen Anwendung, jedoch, was die Küstenschifffahrt anlangt, nur in denjenigen von diesen Colonien und auswärtigen Besitzungen, deren Küstenschifffahrt in Gemäßheit der über den Gegenstand ergangenen Parlaments-Akten fremden Schiffen eröffnet worden ist, oder künftig eröffnet werden möchte.

Artikel 3.

Wenn ein Kriegs- oder Handelsschiff eines der vertragenden Theile an den Küsten des anderen strandet oder scheitert, so soll ihm der nämliche Schutz und Beistand, wie einem einheimischen Schiffe geleistet werden. Die Eigenthümer oder deren Bevollmächtigte oder Vertreter sollen für die Sicherung ihres Eigenthums keine anderen Kosten zu zahlen haben, als in dem entsprechenden Falle des Schiffbruchs eines einheimischen Schiffes zu zahlen sein würden. Sollte der Führer eines Handelsschiffs genöthigt sein, einen Theil der Ladung zur Deckung seiner Auslagen zu veräußern, so soll ihm von den Behörden kein Hinderniß in den Weg gelegt werden; er ist indessen zur Beachtung der bestehenden Vorschriften und Tarife verpflichtet.

Die von dem Brack geborgenen Güter und Waaren sollen von jeder Zollabgabe frei sein, sofern sie nicht in den Verbrauch übergehen.

In Abwesenheit oder auf Ansuchen des Eigenthümers, des Schiffsführers oder eines sonstigen Bevollmächtigten des Eigenthümers sollen die beiderseitigen General-Consuln, Consuln, Vice-Consuln oder Consular-Agenten befugt sein, die Gewährung des erforderlichen Beistandes an die Betheiligten zu vermitteln.

Artikel 4.

Den General-Consuln, Consuln, Vice-Consuln und Consular-Agenten jedes vertragenden Theiles, welche in den Gebieten und Besitzungen des andern ihren Sitz haben, soll von den Ortsbehörden jeder gesetzlich zulässige Beistand zur Her-

assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

ARTICLE V.

The right of acceding to the present Treaty is reserved to every State now belonging to, or which may hereafter join, the Zollverein.

ARTICLE VI.

The present Treaty shall have the same duration as the Treaty of Commerce, signed on the 30th of May in the current year, between Great Britain and the Zollverein.

It shall come into force four weeks after the exchange of the ratifications thereof.

ARTICLE VII.

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Berlin in six months,* or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Gastein, the sixteenth day of August, in the year of our Lord one thousand eight hundred and sixty-five.

NAPIER.
(L.S.)

v. BISMARCK.
(L.S.)

beischaffung der von den Schiffen ihres Landes desertirten Personen geleistet werden.

Artikel 5.

Das Recht des Beitritts zu gegenwärtigem Verträge bleibt einem jeden, jetzt zum Zollverein gehörenden, oder sich später demselben anschließenden Staate vorbehalten.

Artikel 6.

Der gegenwärtige Vertrag soll die nämliche Dauer haben, wie der am 30. Mai des laufenden Jahres unterzeichnete Handels-Vertrag zwischen Großbritannien und dem Zollverein.

Er soll vier Wochen nach dem Austausch der Ratifikations-Urkunden in Kraft treten.

Artikel 7.

Der gegenwärtige Vertrag soll ratificirt und es sollen die Ratifikations-Urkunden binnen sechs Monaten oder, wenn möglich, früher in Berlin ausgetauscht werden.

Zu Urkund dessen haben die beiderseitigen Bevollmächtigten denselben unterzeichnet und ihre Siegel beigedrückt.

So geschehen zu Gastein den 16ten August im Jahre des Herrn Eintausend Achthundert und Fünfundsechszig.

N a p i e r.
(L.S.)

v. B i s m a r c k.
(L.S.)

* This term was subsequently extended by Protocol to February 24, 1866.

PRUSSIA.

TREATY of Navigation between Her Majesty and the
King of Prussia.

Signed at Gastein, August 16, 1865.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1866.*

LONDON:

PRINTED BY HARRISON AND SONS.

